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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

#### NOTICE OF INTENTION TO PROMULGATE THE BITUMINOUS COAL CODE

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, by said Act duly established, does hereby give notice of its intention to promulgate and make effective on June 21, 1937, pursuant to section 5 (a) of said Act, the Bituminous Coal Code as provided for in section 4 of said Act.

The Commission finds and hereby declares that the promulgation of said Bituminous Coal Code cannot be accomplished at a date earlier than June 21, 1937, for the reason that the intervening period of time is required:

(a) To permit the preparation and printing of copies of said Bituminous Coal Code and forms of acceptance thereof.

(b) To permit distribution by the Commission of the copies of said code and of the forms of acceptance thereof, as required by said Act, to bituminous coal producers throughout the United States.

(c) To afford the said producers a reasonable opportunity for the consideration of said Bituminous Coal Code and of their acceptance of membership therein, to take such action as may be necessary to authorize the acceptance of such membership in the code, and to execute and file with the Commission such forms of acceptance in the manner herein-after provided.

The Commission further finds and declares that promulgation of the code at a date earlier than June 21, 1937, would result in undue hardship to producers who might become liable to the tax imposed by subsection (b) of section 3 of the Act without having had a reasonable opportunity to accept the code.

The Bituminous Coal Code to be promulgated by the Commission on June 21, 1937, and to be effective from and after said date, will contain the following conditions and provisions required to be contained therein by section 4 of the Act, and no others, such provisions being intended to regulate interstate commerce in bituminous coal and which shall be applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal and to be effective as provided in said Act:

#### BITUMINOUS COAL CODE

##### Part 1. Organization

(a) Twenty-three district boards of code members shall be organized. Each district board shall consist of not less than three nor more than seventeen members. The number of members of the District board shall, subject to the approval of the Commission, be determined by the majority

vote of the district tonnage during the calendar year 1936 represented at a meeting of the code members of the district called for the purpose of such determination and for the election of such district board; and all code members within the district shall be given notice of the time and place of the meeting. All but one of the members of the district board shall be code members or representatives of code members truly representative of all the mines of the district. The number of such producer members shall be an even number. One-half of such producer members shall be elected by the majority in number of the code members of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output of the code members in the district, for the calendar year preceding the date of the election: *Provided*, That not more than one officer or employee of any code member within a district shall be a member of the district board at the same time. The remaining member of each district board shall be selected by the organization of employees representing the preponderant number of employees in the industry of the district in question. The term of district board members shall be two years and until their successors are elected. The Commission shall have power to remove any member of any district board upon its finding, after due notice and hearing, that said member is guilty of inefficiency, willful neglect of duty, or malfeasance in office.

The district boards shall have power to adopt bylaws and rules of procedure, subject to approval of the Commission, and to appoint officers from within or without their own membership, to fix their terms and compensation, to provide for reports, and to employ such committees, employees, arbitrators, and other persons necessary to effectuate their purposes. Members of the district board shall serve, as such, without compensation but may be reimbursed for their reasonable expenses. The territorial boundaries or limits of the twenty-three districts are set forth in the schedule entitled "Schedule of Districts" and annexed to this code.

Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the territorial boundaries or limits of any district or minimum-price area are such as to make it substantially impracticable to establish minimum prices in accordance with all the standards set forth in subsections (a) and (b) of part II of this code, and that a change in such territorial boundaries or limits or a division or consolidation of such districts or minimum-price areas would render the establishment of minimum prices in accordance with all such standards more practicable, it shall by order make such changes, divisions, and consolidations as it finds will substantially aid in such establishment of minimum prices.

(b) The expense of administering this code by the respective district boards shall be borne by the code members in





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the respective districts, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by such boards with the approval of the Commission. Such assessments may be collected by the district board by action in any court of competent jurisdiction.

(c) Nothing contained in the Act shall constitute the members of a district board partners for any purpose. Nor shall any member of a district board or officer thereof be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the district board. Nor shall any member or officer of a district board, exercising reasonable diligence in the conduct of his duties under the Act, be liable to anyone for any action or omission to act

under the Act except for his own willful misfeasance or for nonfeasance involving moral turpitude.

(d) No action complying with the provisions of this code taken while the Act is in effect, or within sixty days thereafter, by any code member or by any district board, or officer thereof shall be construed to be within the prohibitions of the antitrust laws of the United States.

## Part II. Marketing

The Commission shall have power to prescribe for code members minimum and maximum prices, and marketing rules and regulations, as follows:

(a) All code members shall report all spot orders to such statistical bureau hereinafter provided for as may be designated by the Commission and shall file with it copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda, and such other information concerning the preparation, cost, sale, and distribution of coal as the Commission may authorize or require. All such records shall be held by the statistical bureau as the confidential records of the code member filing such information.

For each district there shall be established by the Commission a statistical bureau which shall be operated and maintained as an agency of the Commission. Each statistical bureau shall be under the direction of a manager, who shall be appointed by the Commission. No producer, employee, or representative of a producer, and, except as the Commission may specifically approve, no member of a district board or employee or representative thereof shall be an employee of any statistical bureau.

Each district board shall, from time to time on its own motion or when directed by the Commission, propose minimum prices free on board transportation facilities at the mines for kinds, qualities, and sizes of coal produced in said district, and classifications of coal and price variations as to mines, consuming market areas, values as to uses and seasonal demand. Said prices shall be proposed so as to yield a return per net ton for each district in a minimum price area, as such districts are identified and such area is defined in the subjoined table designated "minimum-price-area table", equal as nearly as may be to the weighted average of the total costs, per net ton, determined as hereinafter provided, of the tonnage of such minimum price area. The computation of the total costs shall include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, royalties, depreciation and depletion (as determined by the Bureau of Internal Revenue in the computation of the Federal income tax) and all other direct expenses of production, coal operators' association dues, district board assessments for Board operating expenses only levied under this code, and reasonable costs of selling and the cost of administration.

## MINIMUM-PRICE-AREA TABLE

Area 1: Eastern Pennsylvania, district 1; western Pennsylvania, district 2; northern West Virginia, district 3; Ohio, district 4; Michigan, district 5; Panhandle, district 6; Southern numbered 1, district 7; Southern numbered 2, district 8; that part of Southeastern district 13, comprising Van Buren, Warren, and McMinn Counties in Tennessee.

Area 2: West Kentucky, district 9; Illinois, district 10; Indiana, district 11; Iowa, district 12.

Area 3: Southeastern, district 13, except Van Buren, Warren, and McMinn Counties in Tennessee.

Area 4: Arkansas-Oklahoma, district 14.

Area 5: Southwestern, district 15.

Area 6: Northern Colorado, district 16; southern Colorado, district 17; New Mexico, district 18.

Area 7: Wyoming, district 19; Utah, district 20.

Area 8: North Dakota and South Dakota, district 21.

Area 9: Montana, district 22.

Area 10: Washington and Alaska, district 23.

The minimum prices so proposed shall reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coal, shall be just and equitable as between producers within the district, and shall have due



regard to the interests of the consuming public. The procedure for proposal of minimum prices shall be in accordance with rules and regulations to be approved by the Commission.

A schedule of such proposed minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship, shall be submitted by the district board to the Commission, which may approve, disapprove, or modify such proposed minimum prices to conform to the requirements of this subsection, which shall serve as the basis for the coordination provided for in the succeeding subsection (b): *Provided*, That all minimum prices proposed for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable, as between producers within the district: *And provided further*, That no minimum price shall be proposed that permits dumping.

As soon as possible after its creation, each district board shall determine, from cost data submitted by the proper statistical bureau of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in the district in the calendar year 1936. The district board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1936. Such determination and the computations upon which it is based shall be promptly submitted to the Commission by each district board in the respective minimum-price area. The Commission shall thereupon determine the weighted average of the total costs of the tonnage for each minimum-price area in the calendar year 1936, adjusted as aforesaid, and transmit it to all the district boards within such minimum-price area. Said weighted average of the total costs shall be taken as the basis, to be effective until changed by the Commission, for the proposal and establishment of minimum prices. Thereafter, upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton of two thousand pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, the Commission shall increase or decrease the minimum prices accordingly. The weighted average figures of total cost determined as aforesaid shall be available to the public.

Each district board shall, on its own motion or when directed by the Commission, propose reasonable rules and regulations incidental to the sale and distribution, by code members within the district, of coal. Such rules and regulations shall not be inconsistent with the requirements of this code and shall conform to the standards of fair competition hereinafter established. Such rules and regulations shall be submitted by the district board to the Commission with a statement of the reasons therefor, and the Commission may approve, disapprove, or modify the same, for the purpose of coordination.

(b) District boards shall, under rules and regulations established by the Commission, coordinate in common consuming market areas upon a fair competitive basis the minimum prices and the rules and regulations proposed by them, respectively, under subsection (a) of part II of this code. Such coordination, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices proposed for any kind, quality, or size of coal for shipment into any common consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, shall reflect as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coal produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive

relationships between coal and other forms of fuel and energy; and shall preserve as nearly as may be existing fair competitive opportunities. The minimum prices proposed as a result of such coordination shall not, as to any district, reduce or increase the return per net ton upon all the coal produced therein below or above the minimum return as provided in subsection (a) of part II of this code by an amount greater than necessary to accomplish such coordination, to the end that the return per net ton upon the entire tonnage of the minimum price area shall approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area. Such coordinated prices and rules and regulations, together with the data upon which they are predicated, shall be submitted to the Commission. The Commission shall thereupon establish, and from time to time, upon complaint or upon its own motion, review and revise the effective minimum prices and rules and regulations in accordance with the standards set forth in subsections (a) and (b) of part II of this code.

(c) When, in the public interest, the Commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the Commission shall have the power to establish maximum prices free on board transportation facilities for coal in any district. Such maximum prices shall be established at a uniform increase above the minimum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided*, That no maximum price shall be established for any mine which shall not yield a fair return on the fair value of the property.

(d) If any code member or district board or member thereof, or any State or political subdivision of a State, or the consumers' counsel, shall be dissatisfied with such coordination of prices or rules and regulations, or by a failure to establish such coordination of prices or rules and regulations, or by any minimum or maximum prices established pursuant to subsections (b) or (c) of part II of this code, he or it shall have the right, by petition, to make complaint to the Commission, and the Commission shall, under rules and regulations established by it, and after notice and hearing, make such order as may be required to effectuate the purpose of subsections (b) and (c) of part II of this code. Pending final disposition of such petition, and upon reasonable showing of necessity therefor, the Commission may make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

(e) No coal subject to the provisions of this code shall be sold or delivered or offered for sale at a price below the minimum or above the maximum therefor established by the Commission, and the sale or delivery or offer for sale of coal at a price below such minimum or above such maximum shall constitute a violation of this code: *Provided*, That the provisions of this paragraph shall not apply to a lawful and bona fide written contract entered into prior to June 16, 1933.

The making of a contract for the sale of coal at a price below the minimum or above the maximum therefor established by the Commission at the time of the making of the contract shall constitute a violation of this code, and such contract shall be invalid and unenforceable.

From and after the date of approval of the Act, until prices shall have been established pursuant to subsections (a) and (b) of part II of this code, no contract for the sale of coal shall be made providing for delivery for a period longer than thirty days from the date of the contract.

No contract shall be made for the sale of coal for delivery after the expiration date of the Act at a price below the minimum or above the maximum therefor established by the Commission and in effect at the time of making the contract.

The minimum prices established in accordance with the provisions of this code shall not apply to coal sold and shipped outside the domestic market. The domestic market shall include all points within the continental United States



and Canada, and car-ferry shipments to the island of Cuba. Bunker coal delivered to steamships for consumption thereon shall be regarded as shipped within the domestic market. Maximum prices established in accordance with the provisions of this code shall not apply to coal sold and shipped outside the continental United States.

(f) All data, reports, and other information in the possession of any agency of the United States in relation to coal shall be available to the Commission and to the office of the consumers' counsel for the administration of the Act.

(g) The price provisions of the Act shall not be evaded or violated by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof. The Commission is hereby authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make this subsection effective.

(h) The Commission shall, by order, prescribe due and reasonable maximum discounts or price allowances that may be made by code members to persons (whether or not code members), herein referred to as "distributors", who purchase coal for resale and resell it in not less than cargo or railroad carload lots; and shall require the maintenance and observance by such persons, in the resale of such coal, of the prices and marketing rules and regulations established under this code.

#### UNFAIR METHODS OF COMPETITION

(i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of this code:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: *Provided however*, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona-fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the

size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

9. The unauthorized use, whether in written or oral form, of trade-marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under the Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers, whereby they are<sup>1</sup> any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by the Act.

13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal.

It shall not be an unfair method of competition or a violation of this code or any requirement of the Act (1) to sell to or through any bona-fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members; (2) to sell through any intervening agency to any such cooperative organization; or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by this code to be paid or allowed, to other purchasers for purchases in wholesale or middleman quantities.

(j) The Commission shall have jurisdiction to hear and determine written complaints made by any code member, district board, or member thereof, State or political subdivision of a State, or the consumers' counsel, which charge any violation of this code specified in part II thereof. It shall make and publish rules and regulations for the consideration and hearing of any such complaint, and all interested parties shall be required to conform thereto. The Commission shall make due effort toward adjustment of such complaints and shall endeavor to compose the differences of the parties, and shall make such order or orders in the premises, from time to time, as the facts and the circumstances warrant. Any such order shall be subject to review as are other orders of the Commission.

(k) In the investigation of any complaint or violation of this code, or of any rule or regulation the observance of which is required under the terms hereof, the Commission shall have power by order to require such reports from, and shall be given access to inspect the books and records of, code members to the extent deemed necessary for the purpose of determining the complaint. Any such order shall be subject to review as are other orders of the Commission.

(l) The provisions of this code shall not apply to coal consumed by the producer or to coal transported by the producer to himself for consumption by him.

As used in this Code—

The term "Act" means the Act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and

<sup>1</sup> So in original act.



for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937.

The term "Commission" means the National Bituminous Coal Commission established by said Act.

The term "code" means this Bituminous Coal Code.

Producers accepting membership in this code as provided in section 5 (a) of the Act shall be, and are herein referred to as, "code members", and the provisions of this code shall apply only to such code members, except as otherwise provided by subsection (h) of part II of section 4 of the Act.

The term "coal" means bituminous coal.

The term "bituminous coal" includes all bituminous, semi-bituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more.

The term "producer" includes all individuals, firms, associations, corporations, trustees, and receivers engaged in the business of mining coal.

The term "interstate commerce" means commerce among the several States and Territories, with foreign nations, and with the District of Columbia.

The provisions of this code and all rules, regulations, and orders of the Commission made pursuant thereto shall be applicable to all interstate commerce in coal, and shall also apply to all transactions in coal in intrastate commerce by any person or in any locality which the Commission shall by order, pursuant to section 4-A of the Act, declare to be subject to the provisions of section 4 of the Act and this code.

#### ANNEX TO CODE—SCHEDULE OF DISTRICTS

##### *Eastern Pennsylvania*

**District 1.**—The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntingdon, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the P. & S. R. R. on the west bank of the Allegheny River and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

##### *Western Pennsylvania*

**District 2.**—The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the P. & S. R. R.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.

##### *Northern West Virginia*

**District 3.**—The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

##### *Ohio*

**District 4.**—All coal-producing counties in Ohio.

##### *Michigan*

**District 5.**—All coal-producing counties in Michigan.

##### *Panhandle*

**District 6.**—The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

##### *Southern Numbered 1*

**District 7.**—The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake and Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Fork branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Boissevain branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad and that portion of said county on the headwaters of Dismal Creek, east of Lynn Camp Creek (a tributary of Dismal Creek).

##### *Southern Numbered 2*

**District 8.**—The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake and Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railway lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickinson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the headwaters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek), and that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk and Western Railroad and branch from Bluestone Junction to Boissevain of Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Rockcastle, Wayne, Whitley.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

##### *West Kentucky*

**District 9.**—The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hop-



kins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

#### Illinois

District 10.—All coal-producing counties in Illinois.

#### Indiana

District 11.—All coal-producing counties in Indiana.

#### Iowa

District 12.—All coal-producing counties in Iowa.

#### Southeastern

District 13.—All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

#### Arkansas-Oklahoma

District 14.—The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, Le Flore, Sequoyah.

#### Southwestern

District 15.—All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

#### Northern Colorado

District 16.—The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

#### Southern Colorado

District 17.—The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

#### New Mexico

District 18.—The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Pinal, Navajo, Graham, Apache, Coconino.

All coal-producing counties in California.

#### Wyoming

District 19.—All coal-producing counties in Wyoming.

The following counties in Idaho: Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Bannock, Power, Caribou, Oneida, Franklin, Bear Lake.

#### Utah

District 20.—All coal-producing counties in Utah.

#### North Dakota-South Dakota

District 21.—All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

#### Montana

District 22.—All coal-producing counties in Montana.

#### Washington

District 23.—All coal-producing counties in Washington. All coal-producing counties in Oregon.

The territory of Alaska.

By order of the Commission.

[SEAL]

NORMAN G. SCHMIDT,  
Acting Secretary.

Dated this 21st day of May 1937.

[F. R. Doc. 37-1506; Filed, May 24, 1937; 12:41 p. m.]

### PROMULGATION OF FORM OF ACCEPTANCE FOR MEMBERSHIP IN THE BITUMINOUS COAL CODE

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby promulgates the following form of acceptance for membership in the Bituminous Coal Code, which form of acceptance shall be used by all producers of bituminous coal who elect to accept membership in said code:

#### FORM 1

#### Acceptance of the Bituminous Coal Code

Name of producer \_\_\_\_\_  
Status of producer \_\_\_\_\_  
(Corporation, partnership, individual, trustee, etc.)  
Post office address \_\_\_\_\_  
(Street) (Town or City) (State)

The undersigned, a bituminous coal producer, hereby accepts the Bituminous Coal Code as published by the National Bituminous Coal Commission on May 21, 1937, and which is to be promulgated by said Commission on June 21, 1937, pursuant to and under the provisions of the Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, and hereby claims exemption from the tax imposed by subsection (b) of section 3 of said Act during the continuance of his membership in the code.

The names or other designations of the mines now operated by the undersigned, the respective locations thereof by state and county and by district (as such term is defined in the Act), and the number of tons of coal produced at such mines during the calendar year 1936 are as follows:

Name of mine	Location (State and county)	District	1936 Tonnage

If above space not sufficient attach supplemental sheet or rider.

No producer shall, by reason of his acceptance of the code or of the exemption from the tax provided in subsection (b) of section 3 of the Act, be held to be precluded or estopped from contesting the constitutionality of any provision of the Act of the code, or the validity or application of either to him or to any part of the coal produced by him.

This acceptance, if filed with the Commission at Washington, D. C., prior to the date of promulgation of said code, shall be effective as of such promulgation date and if filed subsequent to the date of promulgation of the code, shall be effective from and after the date of filing with the Commission at Washington, D. C.

In Witness Whereof, said producer has caused this acceptance to be duly executed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_.

Witness:

(1) \_\_\_\_\_ [SEAL]  
(Individual, receiver, trustee, etc.)  
(2) \_\_\_\_\_  
(A partnership)

Witness:

By \_\_\_\_\_ [SEAL]  
(Partner)  
(3) \_\_\_\_\_  
(A corporation)

Attest:

By \_\_\_\_\_  
(Title of officer)

(Title of officer)

[CORPORATE SEAL]

NOTE.—All acceptances must be acknowledged before an official authorized to take acknowledgments. Forms are included for acknowledgment of acceptances by individuals, partnerships, and corporations.

#### (1) Acknowledgment by Individual

State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:  
On this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_, before me, a \_\_\_\_\_  
Notary Public<sup>1</sup>  
Justice of the Peace<sup>1</sup> in and for said County and State,  
personally appeared \_\_\_\_\_, who, in due

<sup>1</sup> Strike out inapplicable title.



form of law, acknowledged the foregoing acceptance of the Bituminous Coal Code to be his free act and deed.

My commission expires \_\_\_\_\_  
[SEAL]

(2) Acknowledgment by Partner on Behalf of Partnership  
State of \_\_\_\_\_,  
County of \_\_\_\_\_, ss:  
On this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_, be-  
fore me, a { Notary Public<sup>1</sup>  
Justice of the Peace<sup>1</sup> } in and for said County and  
State, personally appeared \_\_\_\_\_, a member of  
the partnership doing business as \_\_\_\_\_,  
(Name of partnership)  
who, in due form of law, duly acknowledged the foregoing accept-  
ance of the Bituminous Coal Code to be the free act and deed of  
said partnership.  
[SEAL]

My commission expires \_\_\_\_\_  
(3) Acknowledgment on Behalf of Corporation  
State of \_\_\_\_\_,  
County of \_\_\_\_\_, ss:

Before me a { Notary Public<sup>1</sup>  
Justice of the Peace<sup>1</sup> } in and for said County and  
State, personally appeared \_\_\_\_\_, who  
(Name of deponent)  
being duly sworn according to law, deposes and says that he is  
\_\_\_\_\_ of \_\_\_\_\_ a  
(Title of officer) (Name of accepting corporation)  
a corporation duly incorporated under the laws of the State of  
\_\_\_\_\_, that the seal affixed to the foregoing accept-  
ance of the Bituminous Coal Code is the corporate seal of the  
corporation, that such acceptance was signed and sealed on be-  
half of the corporation by authority of its {board of directors<sup>1</sup>  
shareholders<sup>1</sup>}  
and that deponent acknowledges the same to be the free act  
and deed of the corporation.

Sworn to and subscribed before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 193\_\_\_\_  
[SEAL]  
My commission expires \_\_\_\_\_

#### Instructions

1. All acceptances of the Code must be unqualified and shall not be altered as to form in any respect.
2. Each acceptance must contain complete information as to the names, locations, and tonnages of all mines of the acceptor.
3. Acceptances by corporation producers must be signed and acknowledged by a duly authorized principal officer or officers of the corporation and must be accompanied by a proper certificate of authority of the directors or shareholders of the corporation. Acceptances on behalf of partnership producers must be signed and acknowledged by one or more of the partners duly authorized for that purpose.
4. Acceptances of individual producers must be signed and acknowledged by the producer or his agent duly qualified for that purpose.
5. Where any individual, partnership, or corporation files an acceptance for any other individual, partnership, or corporation a copy of the power of attorney or other authorization, duly witnessed and acknowledged, must accompany the acceptance.
6. Separate acceptances must be filed by or on behalf of each producer. The rights and exemptions created by an acceptance shall not be transferable or assignable and shall not extend to any other producer, individual, partnership, or corporation, regardless of affiliation or interest.
7. An acceptance shall become effective only when properly executed and filed with the Commission at Washington, D. C. A copy of the acceptance must be filed by the producer with the Acting District Secretary (if acceptance is filed prior to the election of a district board) or with the Secretary of the District Board (if acceptance is filed subsequent to the election of the district board) in each district within which the producer is engaged in the mining of coal.
8. Until otherwise notified in writing, the Commission will direct all communications and notices to the producer at the post office address stated in this acceptance.

By order of the Commission.

Dated this 21st day of May 1937.

[SEAL]

NORMAN G. SCHMIDT,  
Acting Secretary.

[F. R. Doc. 37-1505; Filed, May 24, 1937; 12:41 p. m.]

<sup>1</sup>Strike out inapplicable term.

## FEDERAL COMMUNICATIONS COMMISSION.

### ADOPTION OF ORDER NO. 29

The Telegraph Division at a special meeting on May 21, 1937, adopted the following Order:

#### ORDER NO. 29

The Telegraph Division having under consideration the provisions of Public No. 97, an Act to amend the Communications Act of 1934 for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes, approved by the President on May 20, 1937, which Act became effective upon approval; and having been authorized and directed as set forth in Minute No. 512 of the Federal Communications Commission of May 12, 1937; and

Whereas, Public No. 97 has for one of its purposes "to make more effective the International Convention for the Safety of Life at Sea, 1929", and authorizes the Commission to make rules and regulations and prescribe restrictions and conditions to carry out the provisions of the Act and the Safety Convention; and

Whereas, pursuant to said Convention the Commission has heretofore issued its Ship Radiotelegraph Safety Instructions of October 1, 1936, as amended March 10, 1937; and

Whereas, pursuant to Article 28 of said Convention, the Commission on March 10, 1937, granted an extension of exemption from the requirements of a continuous watch on cargo ships of the United States, subject to said Convention, of 5500 gross tons or over, to and including August 6, 1937, provided that such ships maintain during that period a radio watch, by means of a licensed operator of the proper grade, or at least eight hours per day in the aggregate; and without removing or altering the requirements of the Ship Act of 1910, as amended, with regard to such vessels; and

Whereas, Public No. 97 extends to all cargo ships of 1600 gross tons or over continuous radio watch requirements as imposed by the Safety Convention on cargo vessels of 5500 gross tons or over, provided, however, that such vessels if fitted with an auto-alarm approved by the Commission shall maintain, by means of a licensed operator of the proper grade, a watch of at least eight hours per day in the aggregate; and

Whereas, the Telegraph Division on March 10, 1937, entered its Order No. 28 conditionally approving certain automatic alarm devices, being Radiomarine Corporation of America "Model AR-8600 auto-alarm" and "Mackay Radio and Telegraph Company auto-alarm Type 101-A manufactured by Federal Telegraph Company", subject to certain restrictions, said Order being made effective as of July 10, 1937; and

Whereas, Public No. 97 provides that subject to certain conditions the Commission may defer any or all the requirements of installation and operation of ship radio equipment, maintenance of watches by means of operators and installations on life boats for a period not to exceed six months after approval in regard to any classes of ships of the United States not subject to the provisions of the Safety Convention if it is found impracticable to obtain the necessary equipment or make the required installations; and

Whereas, the Commission finds that it is not impracticable for all passenger vessels or for those cargo vessels of 1600 gross tons or over which engage in intercoastal voyages through the Panama Canal or in voyages between the United States and any of its possessions, over-seas territories, protectorates or territories under suzerainty or mandate to obtain the necessary equipment or to make the required installations; and

Whereas, the Commission finds that it is impracticable for certain other cargo vessels of 1600 gross tons or over to obtain the necessary equipment or to make the required installations immediately; and

Whereas, some cargo vessels of 1600 gross tons or over have been required by law to maintain or have voluntarily maintained radio equipment, hours of radio watch and other safety measures and the Commission is of the opinion that



it is not impracticable or unreasonable for such vessels to continue to maintain such equipment, watches, or other safety measures, if such vessels desire to take advantage of the exemption; and

Whereas, Public No. 97 repeals such part or parts of the Ship Act of 1910 as amended as relate to the ocean and steamers navigating thereon, but in all other respects said Act is continued in full force and effect;

It is therefore ordered that the Ship Radiotelegraph Safety Instructions of October 1, 1936, as amended March 10, 1937, are hereby superseded by the Ship Radiotelegraph Safety Rules, a copy of these Rules being attached to and made a part of this Order, and being applicable to all vessels which are subject to the requirements of Public No. 97, or the Safety Convention, subject, however, to the exemption hereinafter ordered; and

It is further ordered that the exemption from the requirement of a continuous radio watch to and including August 6, 1937, heretofore granted by this Commission to cargo vessels of 5500 gross tons or over subject to the requirements of the Safety Convention shall remain in effect, subject to the same terms and conditions imposed by the Commission in granting the extension of exemption of March 10, 1937, and said exemption is hereby extended to all cargo ships of 1600 gross tons or over, subject to the same terms and conditions as those heretofore prescribed for cargo vessels of 5500 gross tons or over, for the period to and including August 6, 1937;

Provided, however, that such exemption from the requirement of a continuous radio watch in the case of each vessel to which it may apply, shall be conditioned upon the continued maintenance by such vessel of all radio equipment, hours of watch, and other safety measures in effect or in operation on board same either by law or voluntary action on the date of the approval of Public No. 97;

Provided further, that all ships not subject to the provisions of the Safety Convention except passenger ships are hereby exempted from such requirements of Sections 351 to 355, inclusive of Public No. 97 as relate to the obtaining of equipment or making the required installations, until August 6, 1937;

Provided further, that the limitations as to vessels coming within the requirements of the Ship Act contained in the extension of exemption granted on March 10, 1937, which exemption is hereinabove continued in effect, are no longer in effect in so far as they relate to the ocean and steamers navigating thereon, but are continued in force with regard to vessels navigating the Great Lakes;

Provided further, that no exemption hereinabove provided for shall apply to any passenger ship as defined in Public No. 97; and

Provided further, that the exemption from maintaining a continuous watch shall not be construed as exempting any vessel engaged in intercoastal voyages through the Panama Canal or engaged in voyages between the United States and any of its possessions, over-seas territories, protectorates or territories under suzerainty or mandate from making the required installations or from maintaining a radio watch, by means of a licensed operator of the proper grade, of at least eight hours per day in the aggregate."

By order of the Commission, Telegraph Division.

[SEAL]

T. J. SLOWIE, Secretary.

#### SHIP RADIOTELEGRAPH SAFETY RULES

(Adopted pursuant to the Communications Act of 1934 as amended, and as further amended by Public No. 97, approved May 20, 1937)

MAY 21, 1937.

1. *Effective Date.*—These rules, exclusive of the rules contained in Appendix I, may be cited as the "Ship Radiotelegraph Safety Rules", and became effective on May 21, 1937. These rules supersede the Ship Radiotelegraph Safety Instructions of October 1, 1936, and amendments thereto of March 10, 1937, and May 4, 1937.

2. *Ships to Which These Rules Apply.*—Except as provided in paragraph 3, these Ship Radiotelegraph Safety Rules apply to all United States ships navigated in the open sea outside of a harbor or port, and all United States and foreign ships which leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, other than a cargo ship of less than 1600 gross tons. Owners, operating agencies, and masters of such ships shall comply with the requirements hereinafter specified.

3. *Exceptions.*—The provisions of these Rules shall not apply to:

(a) A ship of war;

(b) A ship of the United States belonging to and operated by the Government, except a ship of the United States Maritime Commission, the Inland and Coastwise Waterways Service, or the Panama Railroad Company;

(c) A foreign ship belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect;

(d) Yachts of less than six-hundred gross tons not subject to the radio provisions of the Safety Convention;

(e) Vessels in tow;

(f) A vessel navigating solely on the Great Lakes,<sup>1</sup> or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States.

4. *Definitions.*—Unless the context otherwise requires, the expressions used herein have the meaning hereby assigned to them:

(a) "Safety Convention" means the International Convention for the Safety of Life at Sea, London, 1929, and the regulations referred to therein.

(b) "Passenger" is any person carried on board a ship or vessel except

(1) the officers and crew actually employed to man and operate the ship,

(2) persons employed to carry on the business of the ship, and

(3) persons on board a ship when they are carried, either because of the obligation laid upon the master to carry shipwrecked, distress, or other persons in like or similar situations or by reason of any circumstances over which neither the master, the owner, nor the charterer (if any) has control.

(c) The term "person" as used in these rules means any person carried on board a ship, including officers and crew.

(d) A "ship" or "vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(e) A ship shall be considered a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers.

(f) "Cargo ship" means any ship which is not a passenger ship.

(g) The term "radio watch" or "watch" as used in these Safety Rules means the service performed by a qualified operator when on duty in the radio room of a vessel listening continuously for signals of other stations

<sup>1</sup> Such part or parts of the Act entitled "An Act to require apparatus and operators for radio communication on certain ocean steamers" approved June 24, 1910, as amended, (generally known as the "Ship Act") as relate to the ocean and to steamers navigating thereon, were repealed by Section 602 (e) of the Communications Act of 1934, as amended by Public No. 97 approved May 20, 1937. In all other respects said Act is continued in full force and effect. See also Rule 284 (d) in Appendix I.



transmitting on the international calling and distress frequency,<sup>2</sup> 500 kc, except when such operator, subject to authority of the master, is engaged in transmitting or receiving signals or messages on any authorized frequency, to or from any station in the maritime mobile service. Regardless of message traffic and signals, however, (except distress, urgent, or safety signals and messages) the operator shall listen on 500 kc at least twice per hour during the international silent period for three minutes, beginning at 15 minutes and at 45 minutes past each hour, Greenwich mean time, as specified by Article 19, paragraph 2, of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932.

(h) A "qualified operator" or "operator" on a ship of the United States means a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission.<sup>3</sup>

(i) A "qualified operator" or "operator" on a foreign ship means a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932, or complying with an agreement or treaty between the United States and the country to which the ship belongs.

(j) "Harbor" or "port" means any place to which ships may resort for shelter or to load or unload passengers or goods, or to obtain fuel, water, or supplies. This term shall apply to such places whether proclaimed public or not and whether natural or artificial.

(k) An "international voyage" is a voyage from a country to which the Safety Convention applies to a port outside such country, or conversely; and for this purpose every colony, overseas territory, protectorate or territory under suzerainty or mandate, is regarded as a separate country.

(l) "Commission" means the Federal Communications Commission.

(m) 1. "Auto-alarm"<sup>4</sup> on a foreign ship means an automatic alarm receiver which has been approved by the country to which the ship belongs, provided the United States and the country to which the ship belongs are both parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus.

2. "Auto-alarm" on a ship of the United States subject to the provisions of these rules means an automatic alarm receiver complying with law and approved by the Commission.

#### 5. Certificates<sup>5</sup>.—

(a) Every ship of the United States to which the Safety Convention applies<sup>6</sup> shall comply with the radio and com-

munications provisions of said Convention at all times while the vessel is in use, in addition to all other requirements of law, and shall have on board an appropriate certificate as prescribed herein.

(b) The Safety Certificate (for passenger ships) and the Safety Radiotelegraphy Certificate (for cargo ships) showing compliance with the radio provisions of the Safety Convention will be issued by the Bureau of Marine Inspection and Navigation, Department of Commerce.

(c) The issuance of these certificates will be contingent upon compliance with the provisions of these rules as determined by an inspection by the Commission of the radiotelegraph installation on the ship in question. Following the inspection, the radio particulars will be certified by the Commission to the Bureau of Marine Inspection and Navigation for insertion in the Certificate.

(d) An Exemption Certificate granting to a particular ship an exemption from the radio requirements of the Safety Convention will be issued by the Bureau of Marine Inspection and Navigation upon certification to the Bureau by the Commission after determination by the Commission as hereinafter specified.

(e) The decision of the Commission in all matters affecting the use of radio on board ships subject to the provisions hereof will be final subject to review only in accordance with law.

(f) If the holder of a Safety Certificate or a Safety Radiotelegraphy Certificate violates the provisions of the Safety Convention, or of the Communications Act, or the rules, regulations, or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of the Communications Act so requires, the Commission, after hearing in accordance with law, may request the modification or cancellation of such Certificate by the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(g) The responsibility for initiating action preliminary to obtaining a Safety, Safety Radiotelegraphy, or Exemption Certificate, rests upon the ship owner, ship operating agency, licensee of the ship station, and master.

#### 6. Inspections.<sup>7</sup>—

(a) Every ship of the United States, to which these Safety Rules apply, shall have its radiotelegraph installation inspected by the Commission at least once each year.

a port of one of the countries parties to the Safety Convention, the Master of the ship may apply to a United States consul in that country to request the appropriate local Government authorities to make the required inspection and issue a Safety Radiotelegraphy Certificate, or, in case of a passenger vessel, complete the radio particulars on the Safety Certificate. The consul should request that the Certificate contain the following clause: "Good only until this vessel reaches a port of the continental United States, but in any event for a period not exceeding five months." Such certificates issued under the authority of the foreign government will be accorded the same force as certificates issued by the United States.

(c) If a ship at the time a certificate expires is not in a port of the United States, the certificate may be extended by applying to a United States consul but such extension will be granted only for the purpose of allowing the ship to complete its return voyage to its own country. No certificate will be extended for a longer period than five months.

<sup>8</sup> All ships of American registry engaged on international voyages, other than cargo vessels of less than 1600 gross tons, except vessels navigating solely on the Great Lakes or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States.

<sup>9</sup> Instructions Relative to Applications for Inspection of Ship Stations.

Application forms for inspection may be obtained from any office of the Commission, or any office of the Bureau of Marine Inspection and Navigation, Department of Commerce, and upon completion should be returned to the office of the Inspector-in-Charge of the radio district embracing the port at which it is desired that the inspection be made. A list of the radio districts, giving the address of each Inspector-in-Charge and the ports embraced by each district is attached as Appendix III.

To avoid delays and obviate the necessity for reinspection, the owner should have his radio representative make a preliminary inspection and make such repairs, replacements, additions, and adjustments of the radio installation as may be necessary to insure compliance with these requirements. Failure to comply

<sup>2</sup> The distress frequency on the Great Lakes is 410 kc.

<sup>3</sup> Rules 420 to 448 of the general rules of the Commission relate to the qualifications of radio operators.

<sup>4</sup> Section 3 (x) of the Communications Act of 1934, as amended by Public No. 97 approved May 20, 1937, reads in part as follows: "Nothing in this Act, or in any other provision of law shall be construed to require the recognition of an auto-alarm as complying with Part II of Title III of this Act on a foreign ship subject to such part, whose country of origin is not a party to a treaty, convention, or agreement with the United States in regard to such apparatus."

<sup>5</sup> Instructions governing procedure when in foreign ports.—

(a) Ships of the United States subject to the Safety Convention in ports of any of the foreign countries parties to the Safety Convention (See Appendix I) may expect to be required by local authorities to exhibit a Safety Certificate, a Safety Radiotelegraphy Certificate, or an Exemption Certificate relating to radio issued by the Government of the United States. Lacking a Certificate, or if the local authorities, upon inspection, find that the ship does not comply with the terms of the Certificate or the Safety Convention, the ship will then be subject to the laws of the country concerned applicable to such a case.

(b) In the event any ship owner or ship operating agency has a cargo vessel in foreign waters, for which a Safety Radiotelegraphy Certificate is desired and which cannot be made available to the Commission for inspection, a letter outlining the circumstances should be directed to the Commission. Appropriate instructions will be issued upon receipt of such letter. If circumstances will not permit of this procedure while the ship is in



(b) Upon receipt of an application in proper form, the Commission will make the annual inspection, prescribed by paragraph 6 (a) hereof, of the radiotelegraph installation aboard a vessel of the United States subject to these rules. The responsibility for initiating action, preliminary to this inspection, rests upon the ship owner, ship operating agency, ship station licensee, and master.

(c) If, after inspection of a ship station subject to these rules, the Commission is satisfied that all relevant provisions of law, rules and regulations, and the station license, have been complied with, that fact will be certified to on the station license.

(d) In addition to the annual inspection and the inspection preliminary to issuance of a Safety Certificate or a Safety Radiotelegraphy Certificate, other inspections may be made by radio inspectors of the Commission or other authorized Government representatives at frequent intervals, to insure compliance with these provisions.

(e) The radio installation aboard a ship shall be available for inspection by authorized Government representatives at any reasonable time.

#### 7. Station License.—

(a) The Safety Certificate, Safety Radiotelegraphy Certificate, and the Exemption Certificate discussed herein and the procedure for obtaining such certificates are in addition to, and entirely separate and apart from, the ship radio station licenses required under the Communications Act of 1934, as amended. Ships not heretofore required to be equipped with radio installations but which are subject to the present rules must apply for ship radio station licenses in accordance with the existing procedure.

(b) In addition to the provisions normally included in a ship radio station license, the station license of each ship of the United States subject to these Rules will include particulars with reference to the items specifically required thereby.

8. *Laws and Treaties.*—Nothing herein contained is to be construed as relieving any ship subject to the "Act to require apparatus and operators for radio communication on certain ocean steamers" approved June 24, 1910, as amended by an Act approved July 23, 1912 (the Ship Act), the Communications Act of 1934 as amended, the International Telecommunication Convention, Madrid, 1932, the General Radio Regulations annexed thereto, or any additional Rules and Regulations of the Commission, from full compliance therewith. The Communications Act, the Safety Convention and all present rules are to be construed as supplementing the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932, designated above, in all matters governed by both. However, the provisions of the "Ship Act" now are applicable to vessels only when they are navigated on the Great Lakes.

#### 9. Applications for Exemption.—

(a) An application under oath may be made direct to the Federal Communications Commission at Washington, D. C., requesting that a particular ship be exempt from the provisions of the Safety of Life at Sea Convention; Title III, Part II, of the Communications Act of 1934 as amended, and these Rules. It should describe the ship, or ships, to which it applies, the nature and extent of the voyages for which exemption is claimed, the maximum distance from land the ship is expected to be navigated and

with this procedure may result in considerable delay ensuing before a ship station license can be endorsed or a recommendation for Safety or Safety Radiotelegraphy Certificate can be forwarded by the Commission to the Bureau of Marine Inspection and Navigation. This possibility of delay arises from the fact that the Commission's ship inspection force is relatively small at the present time and because such inspections are planned in accordance with a definite schedule.

On the date determined upon for inspection by the Commission, the owner must have, in addition to his radio representative, at least one operator, preferably the chief operator, in attendance. In addition, there must be such members of the crew, or other persons as may be necessary to launch the radio-equipped lifeboat(s) and to lower and hoist the ship's antennae. Proper power must be available to operate the equipment.

should specify in detail the reasons for exemption. Certified copies of the log of a number of voyages made (over periods of time which may be specified by the Commission) by the subject ship over the waters in question should be submitted. In case any accidents have occurred recently on the route in question, full particulars regarding the facts should be submitted, including a statement of the communication facilities which were available.

(b) Consideration will be given to requests for exemption in the following cases only and upon the bases that the route and conditions of the voyage, or voyages, are such as to render a radio installation (as specified herein) unreasonable or unnecessary:

(1) Individual passenger ships which, in the course of their voyage, do not go more than

- A. 20 miles from the nearest land; or
- B. 200 miles in the open sea between two consecutive ports.

(2) Passenger ships less than one-hundred gross tons not subject to the radio provisions of the Safety Convention.

(3) Sailing Ships.

(4) Individual cargo ships which, in the course of their voyage, do not go more than 150 miles from the nearest land.

(c) If the Commission shall determine that an exemption is warranted, the Commission will approve the issuance of an Exemption Certificate to such ships on international voyages, which will then be issued by the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(d) With regard to United States ships not subject to the Safety Convention, an appropriate certification will be issued by the Commission.

(e) The determination of the Commission in respect to exemptions provided for herein will be final, subject only to the right of review by the courts.

10. *Location of Radio Station.*—The ship's radio operating room and the emergency or reserve installation shall be placed in the upper part of the ship in a position of the greatest possible safety and as high as practicable above the deepest load water line, and the location of such room or rooms will be approved by the Bureau of Marine Inspection and Navigation of the Department of Commerce.

#### 11. Radiotelegraph Equipment.\*—

(a) The radiotelegraph installation shall comprise a main and an emergency or reserve installation; provided, however, that on a cargo ship, if the main installation complies with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted.

(b) The main and emergency installation shall be so arranged that change from transmission to reception and vice versa can be made as rapidly as possible.

(c) Approval of the radio installation within the radio room of a ship of the United States to which these rules apply, including the electrical wiring interconnecting the various components of the installation, will be within the jurisdiction of the Commission.

#### 12. Transmitters.—

(a) The main and emergency or reserve transmitters shall be capable of transmitting on the distress frequency, 500 kilocycles; the direction finder frequency, 375 kilocycles; and also at least one working frequency in the band 350-485 kilocycles, and be capable of changing from any one of the frequencies to any one of the others as rapidly as possible. They must be capable of types A-2 or B (spark)<sup>1</sup> emission, and must have a note frequency of not less than 100 cycles per second.

\* See Commission Order No. 29 of May 21, 1937, for provisions relating to certain temporary exemptions from these rules.

<sup>1</sup> See Rule 293 of the Commission, included in Appendix I.



(b) The main transmitter shall have a normal range of at least 200 nautical miles; that is to say, it must be capable of transmitting clearly perceptible signals from ship to ship over a range of 200 nautical miles by day under normal conditions and circumstances. The normal range of the emergency or reserve transmitter as defined above must be at least 100 nautical miles.

(c) The minimum allowable power rating of transmitters which may be installed for the purpose of compliance with the terms of paragraph 13 (b), shall be as follows:

*For Main Transmitters*

Radio Frequency	Type of Emission	Rated Power
500 kc ----- 500 kc -----	B A-2	1,000 watts input to transformer. 200 watts into the antenna circuit or 400 watts into the plate circuit of the last radio stage.

*For Emergency Transmitters*

Radio Frequency	Type of Emission	Rated Power
500 kc ----- 500 kc -----	B A-2	500 watts input to transformer. 50 watts into antenna circuit or 100 watts into the plate circuit of the last radio stage.

(d) For operation on 375 kc and the one working frequency required, the rated power shall not be less than one-half of the rated power specified herein for operation on 500 kc.

(e) A transmitter installed for the purpose of compliance with the terms of paragraph 13 (b) having a rated power of less than that specified may be tentatively approved subject to a practical demonstration of its represented performance if such proof is deemed necessary by the Commission.

(f) A record shall be kept of the adjustments of the transmitters for the frequencies 375 and 500 kilocycles. The adjustments may be recorded on the transmitters or posted in the radio room.

**13. Receivers.—**

(a) Two complete radio receivers shall be provided, one to be associated with the main transmitter and one to be located in close proximity to the emergency transmitter, provided that if the emergency transmitter is in close proximity to and operated from the same position as the main receiver, the emergency receiver may be omitted.

(b) Each receiver shall be capable of radiotelegraph reception, types A-1, A-2, and B, in the band 350 to 515 kilocycles and in addition the main receiver shall be capable of reception in the band 100-200 kilocycles (time signals, etc.).

(c) The receiver associated with the emergency transmitter shall be arranged so as to be capable of reception in the band 350-515 kilocycles by means of a rectifier of the crystal type or a receiver may be provided using a crystal rectifier.

(d) These requirements do not preclude the use of receivers also capable of reception in bands outside those specified herein.

**14. Power.—**

(a) Sufficient power shall be available at the ship station at all times to operate the main radiotelegraph installation efficiently at full power and at the same time to charge, at their required rates, all storage batteries used in connection with the radiotelegraph installations. The emergency or reserve installation shall include a source of power which when energizing this installation shall be independent of the propelling power of the ship and of any other electrical system, and shall be capable of being put into operation rapidly and of operating the emergency installation so as to provide a normal transmitting and

receiving range of at least 100 nautical miles continuously for at least six consecutive hours.

(b) The ship owner, operating agency, or station licensee shall, if requested, prove to the satisfaction of the Commission's inspector that the emergency power supply is of sufficient capacity to satisfy the requirements stipulated in the preceding paragraph.

(c) In the case of an oil or gas driven engine generator used for an emergency power supply, proof of capacity may be established by using as a basis the fuel consumption during the period of one hour when supplying a load equivalent to 70% of the key-locked demand of the emergency radio transmitter and radio station emergency light(s).

(d) In the case of a storage battery emergency power supply, its capability may be determined by a six-hour discharge test when supplying a load equivalent to 70% of the key-locked demand of the emergency radio transmitter and radio station emergency light(s).

(e) At the conclusion of the tests outlined above, no part of the emergency source of power shall have an excessive temperature rise, as defined and measured in accord with standard engineering practice, nor shall the specific gravity or voltage of the storage battery be below the standard for 90% discharge for the battery involved.

(f) No electrical load circuit(s) other than the emergency radio installation and emergency radio light(s) shall be connected directly or indirectly to the emergency source of power. Emergency batteries, when employed, shall be located in close proximity to the emergency transmitter and receiver, subject, however, to the provisions of the following paragraph.

(g) Approval of the exact point and method of location, on board a vessel, of a storage battery or engine-driven generator and fuel tank, used as a source of power for any component of a licensed ship radio station, and the method of ventilating the battery compartment will be within the jurisdiction of the Bureau of Marine Inspection and Navigation of the Department of Commerce. The approval of the battery or engine-driven generator from the standpoint of its electrical specifications and its ability to produce the required power, will be within the jurisdiction of the Commission.

(h) The emergency source of power shall be maintained in readiness to operate at its full efficiency at all times while the vessel is in active service.

(i) Prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is at sea, the condition of the emergency power supply and emergency radio installation shall be determined by actual operation.

(j) If batteries are used as the emergency transmitter power supply, or are used for the purpose of starting a gas or oil driven emergency generator, tests shall be made of the charging circuits for polarity and correct charging rate. Hydrometer readings of the electrolyte of a pilot cell and such other cells as are necessary to determine the state of charge of the emergency battery shall be taken daily. In the case of an oil or gas driven emergency generator, a daily check shall be made of the quantity of fuel in the supply tank.

(k) A statement that the duties required by paragraphs 15 (i) and (j) hereof have been fulfilled, including a statement of the hydrometer reading and amount of fuel, must be inserted in the ship's radio log each day. During severe weather at sea these duties need not be performed if it is impracticable or dangerous to do so, provided an appropriate entry to this effect is made in the radio station log.

(l) The power leads from the main power supply to the main radio installation and from the emergency power supply to the emergency installation shall be encased and routed in the manner best suited to protect them from injury due to damage to the ship and shall be properly protected with fuses. All conductors shall be



kept clear of electrical grounds. In the event that, due to the ship's structure, a long indirect routing is necessary, an alternate circuit shall be provided over another route. In all cases, the Rules and Regulations of the Bureau of Marine Inspection and Navigation of the Department of Commerce relating to the installation of these circuits shall be complied with.

(m) The cooling system of all auxiliary engine units driving the emergency power supply shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the vessel.

#### 15. Auto-Alarm<sup>10</sup>—

(a) An "Auto-alarm" is defined by paragraphs 4 (m), (1) and (2) hereof. Radiomarine Corporation of America "Model AR-8600 Auto-Alarm" and "Mackay Radio and Telegraph Company Auto-Alarm Type 101-A manufactured by Federal Telegraph Company" are the only auto-alarms approved by the Commission in accordance with Telegraph Order No. 28 for installation aboard United States cargo vessels in compliance with law.

(b) On ships aboard which an automatic alarm receiver is installed in accordance with the provisions of these rules, a means of giving an audible warning in the radiotelegraph operating room, in the radio operator's cabin, and on the navigating bridge shall be provided, which shall operate continuously after the receipt of an alarm signal or a failure of the auto-alarm system, until stopped. Only one switch for stopping the warning shall be provided and this shall be located in the radiotelegraph operating room. In addition, a failure of the alarm to function normally resulting from prolonged static or any type of prolonged electrical input, or both, shall operate a visual indicator on the bridge. The type and method of installation of such visual indicator will be within the jurisdiction of the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(c) Each auto-alarm of the type designated above, when first installed aboard a vessel of the United States, must bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components are designated as follows:

#### "Radiomarine Corporation of America Model AR-8600 Auto-Alarm"

- 1 Combined receiver and selector unit, without regard to container.
- 1 Control and terminal box.

#### "Mackay Radio and Telegraph Company Auto-Alarm Type 101-A manufactured by Federal Telegraph Company"

- 1 Selector unit, without regard to container.
- 1 Receiver unit, without regard to container.

(d) The Commission shall be informed in writing on the prescribed form immediately upon completion of each auto-alarm installation aboard any vessel of the United States. Each report shall specify the type and serial number of the alarm, the name of the vessel, the date of completion of installation, the call letters and name of licensee of the ship radio station and the name of the owner and operating company of the vessel.

(e) Upon completion of each auto-alarm installation, the electron tubes and dry batteries shall be dated to coincide with the date of completion of the installation. Only new electron tubes and new dry batteries shall be installed. The Commission may require the replacement of these electron tubes and dry batteries with new tubes and new batteries if and when such replacement is deemed necessary.

(f) Each installation of an auto-alarm shall include at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto-alarm, which shall include:

- (1) A general technical description of the auto-alarm, including a circuit diagram of the auto-alarm receiver and a wiring diagram of its complete installation on shipboard.
- (2) A general explanation of its principles of operation.
- (3) A list of faults which may be indicated by the sounding of the audible alarm.
- (4) Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.
- (5) Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting.
- (6) Explanation of the effect of various sensitivity control settings upon the operation of the alarm.
- (7) Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

In addition, the instructions stipulated under items 5 and 6 above shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(g) The testing device of each individual auto-alarm shall be permanently adjusted upon installation to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.

(h) While the ship is at sea the auto-alarm shall be tested at least once every twenty-four hours by means of the testing device supplied as part of the alarm, the timing of the dashes to be made by reference to the seconds hand of the station's clock. A statement that the foregoing has been fulfilled must be inserted in the ship's official log and the radio log daily.

(i) Adequate records shall be maintained according to the prescribed forms covering operation of the auto-alarm. These forms shall be mailed to the Commission at Washington, D. C., on the first day of each month, covering the month preceding, beginning January 1, 1938. These reports are for the information of the Commission and the contents thereof will not be disclosed.

(j) An entry shall be made in the ship's official log and the radio log when the warning light installed on the bridge, (to indicate when the alarm becomes inoperative), remains lighted for a continuous period of five minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments; the reason for the failure; the names of any parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating condition.

(k) An entry shall be made in the radio log whenever the auto-alarm becomes inoperative due to causes not indicated by the warning light, or whenever an auto-alarm bell rings. The entry shall include a statement giving particulars as to the time the operator was called to make necessary repairs or adjustments; the reason for the bell ringing or failure to operate; the parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating condition.

16. *Communication Between Radiotelegraph Station and Bridge.*—Where the radio room does not adjoin or open onto the navigating bridge structure of the ship, there shall be provided, between the bridge and the radio room, an efficient means of communication independent of any other communication system of the ship. Where the operating position of the emergency installation is not in the same compartment with the main radiotelegraph station, a similar means of communication also shall be provided between

<sup>10</sup> See Telegraph Order No. 28 of March 10, 1937.



that position and the bridge of the ship. Determination of the necessity for these communication systems will be within the jurisdiction of the Commission. Determination of the type and location of these systems (except their point of termination in the radio room) and their ability to provide efficient communication shall be within the jurisdiction of the Bureau of Marine Inspection and Navigation of the Department of Commerce.

#### 17. Clock.—

(a) Each ship fitted with an auto-alarm shall be provided with a reliable clock with a sweep seconds hand, securely fastened in such a position that the seconds dial can be easily and accurately read by the operator from his normal receiving position, from the operating position at which he would transmit the auto-alarm signal and from the operating position in the radio room used in testing the auto-alarm for response to signals from the testing device. The clock shall have an hour dial not less than 5" in diameter and it shall be capable of operation for at least eight days on one winding; provided, however, that deviations from these specifications may be authorized by the Commission if such deviation does not adversely affect the reliability of the clock or the ability of the ship radio operator to transmit by hand the international auto-alarm signal when using the clock for timing these signals. A request for approval of any deviation from these specifications must be accompanied by a sample of the proposed clock face.

(b) Each ship station not fitted with an auto-alarm shall be provided with a reliable clock in conformity with the specifications of the preceding paragraph 19 (a); provided, however, that such ship station shall be exempt from the requirement of a sweep seconds hand until on and after January 1, 1939. A request for any other deviation from these specifications must be accompanied by a sample of the proposed clock face.

#### 18. Emergency Lights.—

(a) There shall be provided in both the main radiotelegraph operating room and the main radiotelegraph transmitter room(s) emergency electric lighting operated from the ship's emergency power supply or the power supply of the emergency radio installation, independent of the ship's main electrical system, and so arranged as to provide satisfactory illumination to the operating controls, clock, and meters.

(b) In case the emergency transmitter or receiver is not located in any of the rooms associated with the main radio installation, a similar emergency lighting arrangement also shall be provided in the room or rooms containing such emergency apparatus.

(c) A spare electric light bulb shall be provided in an accessible location in each room.

19. *Lifeboats*.—The radiotelegraph installation on motor lifeboats designated by the Bureau of Marine Inspection and Navigation as requiring a radio installation shall be in efficient operating condition at all times while the ship is under way and shall comply with the following:

(a) *Frequency of operation of transmitters*: 500 kc.

(b) *Type of emission of transmitter*: A-2.

(c) *Frequency tolerance of transmitter*: 0.5 per cent.

(d) *Power of transmitter*.—Not less than 75 watts into the plate circuit of the stage supplying power to the antenna.

(e) *Antenna*.—A single wire inverted L or T not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(f) *Receiver*.—Electron tube type. Frequency range at least 350 to 550 kilocycles and capable of reception on Types A-1, A-2, and B waves.

(g) *Power Supply*.—For transmitter, storage battery; for receiver, dry battery, storage battery, or dynamotor operated from transmitter power supply. The power supply shall at all times be capable of operating the entire

radio installation for a continuous period of at least six hours. If the power supply is also used to operate electrical equipment other than radio, its capacity must be sufficient so as not to affect adversely its ability to fulfill the foregoing requirement.

(h) *Installation*.—The component parts and assembly of entire installation shall primarily insure the utmost dependable operation, the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage, and they shall be so housed and treated as to withstand saline dampness for extended period without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray. Storage batteries shall be mounted in cabinets which will provide protection from salt water spray and also allow proper ventilation. Provision shall be made to protect the operator from the elements when the lifeboat is afloat. Provision shall also be made for the expeditious erection of the antenna system under adverse weather and sea condition. The use of metal masts and stays, unless broken by insulators, or of any structure of ground potential at the mastheads is not permitted.

#### (i) Inspection.—

(1) The lifeboat radio installation shall be inspected and tested by a qualified representative of the licensee of the ship radio station within 24 hours prior to departure to sea from each port (except not necessarily more than once each week) and at least once each year with the lifeboat afloat in the water. The results of the inspection and tests shall be noted in the ship's radio station log and the master informed. The test shall include an actual test of the transmitter connected to the regular antenna (erected) and receiver to determine that both are in effective operating condition; provided that, when testing with the lifeboat not afloat in the water, the transmitter may be tested on an artificial antenna, in lieu of the regular lifeboat antenna, having electrical characteristics equal to the regular antenna. Transmission tests shall be conducted under the same procedure as prescribed for testing of the ship's radio station transmitters to avoid interference. Transmission tests shall not be made during the silent period.

(2) When the vessel is under way, provision shall be made for the charging of storage batteries and the routing inspection of all batteries, without removing them from the lifeboat. Examination shall be made at least once every seven days by the operator on the vessel and a statement as to the condition and specific gravity, in the case of a lead-acid battery, or voltage, in the case of dry or Edison batteries, shall be entered in the ship's radio station log. Dry batteries shall be replaced when it is found that the voltage under load has fallen 20 per cent below the rated voltage of the battery.

(j) *Spare parts and tools*.—In addition to spare parts and tools kept elsewhere, there shall be kept in the lifeboat at least one vacuum tube of each type used, a supply of insulated wire of such length and nature as to be suitable as an emergency antenna, and such tools as may be necessary.

(k) *Instructions*.—Instructions shall be plainly marked on the apparatus in sufficient detail to permit untrained personnel to place equipment in operation and to transmit signals which are suitable for use in obtaining direction finder bearings.

#### 20. Direction Finder.—

(a) Each passenger ship of 5,000 gross tonnage and over subject to the provisions of these rules shall be equipped with an efficient radio direction finding apparatus (radio compass) properly adjusted in operating condition, which apparatus is approved by the Commission. This apparatus shall be efficient and capable of receiving clearly perceptible radio signals and of taking



bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on any frequency between 285 and 515 kilocycles.

(b) An efficient means of communication independent of any other communication system of the ship shall be provided between the direction finding apparatus and the bridge if this apparatus, in the opinion of the Bureau of Marine Inspection and Navigation of the Department of Commerce, is located elsewhere than on the bridge. Determination of the type and location of this system and its ability to provide efficient communication will be within the jurisdiction of the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(c) For the issuance of an initial certificate and endorsement of station license and pending issuance of specifications and type approval of direction finding apparatus, the Commission will approve temporarily any make of direction finder in operating condition within the frequency range noted above, and on board at time of inspection. Satisfactory evidence must be given to the Inspector that it complies with sub-paragraph (a) above. In the case of a new installation which has not been in use, approval of instrument on board may be given pending calibration or determination, at the first opportunity, of capability of determining true bearings.

(d) Standard specifications for direction finding apparatus and instructions as to the procedure for obtaining type approval will be issued at a later date.

#### 21. Spare Parts and Tools.—

(a) Sufficient tools to make any minor adjustments of the installation shall be provided, together with spare apparatus and spare parts sufficient to maintain the installations, required by these rules, in efficient working condition, which shall be securely stowed and readily accessible to the operator in case of emergency.

(b) The following items are considered indispensable for the maintenance of the appropriate installation:

(1) Not less than 300 feet of antenna wire of sufficient length for the erection of a single wire emergency antenna. This should be equal to the length of the horizontal portion and lead-in of the main antenna.

(2) Two appropriate antenna insulators for use in the erection of an emergency transmitting and receiving antenna.

(3) At least one electron tube of each type used. In the case of apparatus requiring a matched tube in the oscillator circuit, the spare tube shall be matched and marked.<sup>11</sup>

(4) At least one electron tube of each type used in the direction finder.

(5) One set of gaskets and at least four studs for spark gaps.

(6) Electrodes, arc chamber gasket and alcohol for arc transmitter.

(7) One spare bearing for each type of machine employing sleeve bearings with rings.

(8) One complete set of new brushes.<sup>12</sup>

(9) One spare pair of headphones, with cords and, if used, a plug.

(10) Extra fuses of all kinds used.<sup>13</sup>

(11) Tools, including assorted screw drivers, assorted wrenches (including spark gap wrench), pliers with side cutter.

(12) Hydrometer.

(13) At least one gallon distilled (or equal) water for storage batteries.

(14) A high resistance direct current voltmeter of at least one thousand ohms per volt and capable of measuring 2, 6, and 110 volts with an accuracy of three per cent.

(15) Instruction book and circuit diagram covering the transmitters, receivers, direction finder, and auto-alarm if provided on board the ship.<sup>14</sup>

(c) Each installation of an auto-alarm shall be provided with sufficient tools and spare parts which will be necessary for the maintenance of the alarm in a normal operating condition.

The following items are considered indispensable in the appropriate installation:

#### (1) Radiomarine Corporation of America, Model AR-8600 Auto-Alarm

##### ELECTRON TUBES

One type 6 H 6  
One type 6 A 8  
Two type 6 K 7  
Five type 1611

##### OTHER ITEMS

Two bridge warning-light bulbs  
One 30-ohm filament resistor  
One 9-volt dry-cell bias battery  
Nine glass-enclosed 6 ampere fuses  
Six glass-enclosed ½ ampere fuses  
Six 10-ampere fuse links for cartridge-type fuses  
Two cartridges for 10-ampere fuse links

#### (2) Mackay Radio and Telegraph Company Auto-Alarm Type 101-A, Manufactured by Federal Telegraph Company

##### ELECTRON TUBES

One type 6 D 6  
One type 89  
Three type 76

##### OTHER ITEMS

Two bridge warning-light bulbs  
Two commutating brushes for selector motor  
Two governor brushes for selector motor  
Two brush springs for selector motor  
Six fuses for receiver power supply unit  
Three cartridges for 6-ampere fuse links  
One cartridge for 3-ampere fuse links  
Nine 3-ampere fuse links for cartridge-type fuses  
Three 3-ampere fuse links for cartridge-type fuses  
One ½ volt dry cell bias battery

22. Logs.—Each ship station shall maintain an accurate station log of the operation of such station in accordance with the following:

(a) During the time a watch is maintained by an operator, an entry shall be made at least every 15 minutes. All calls or replies made shall be entered giving time, stations heard or worked, and frequency involved. In general, a positive entry must be made consisting of calls heard, traffic observed, and a specific statement as to the conduct of communication during the international silent periods.

(b) The entry "on watch" shall be made by the operator assuming a watch or opening a station for service, followed by his signature. The entry "off watch" shall be made by the operator when terminating his watch or closing a station, followed by his signature.

(c) Entries shall be made of:

(1) All distress,<sup>15</sup> automatic alarm, urgent and safety signals intercepted, the full text of distress messages and distress communications, and incidents or occurrences which may appear to be of importance to safety of life or property at sea;

(2) Unusual interference observed, breakdown of apparatus, failure of power supply, noises or disturbances tending to delay traffic;

<sup>11</sup> See also paragraph 21 (c).

<sup>12</sup> See also Rule No. 21 (c).

<sup>13</sup> See also Rule No. 15 (f).

<sup>14</sup> See also paragraph No. 15 (h), (j), and (k).



(3) Time of arrival at and departure from ports, giving names of each.

(4) Results of tests of the lifeboat radio installation(s).

(d) Each sheet of the log shall be numbered and dated. The times used for making an entry in the station log shall be expressed in four figures starting at midnight of the time at the Meridian of Greenwich. The abbreviation "GMT" shall be stated at the heading of the column in which the time is entered.

(e) When reference is made to stations in a log, they shall be referred to by their international call letters, except they may also be referred to by name if it is found more convenient.

(f) Entries shall be made daily of:

(1) Results<sup>15</sup> of tests and operation of auto-alarm apparatus, if fitted.

(2) Results of tests of emergency installation.

(3) Approximate position of vessel each day, preferably noon position, either in terms of latitude and longitude or the distance in nautical miles and direction from a point of reference.

(4) Statement as to comparison of radio station clock with standard time (such as radio time signals) including the errors found and corrections made, if any.

(g) Ship station logs shall be fully completed at the end of each trip or voyage, and before the operators responsible leave the ship. Completed logs shall be kept under proper custody either aboard the ship upon which the station is located or at an established shore office of the licensee of the ship station, or his authorized agent. If logs are permanently filed ashore, they must be retained aboard ship for at least twenty-four hours after the vessel's arrival in a port of the United States (unless sailing in the meantime). Logs shall not be removed from the ship's radio station, during a voyage or when in a foreign port.

(h) Logs shall be made available for inspection upon the request of an authorized Government representative.

(i) Routine logs shall be retained for a period of one year. Logs involving distress messages or communications shall be retained until destruction is specifically authorized by the Commission.

(j) No log or portion thereof shall be erased, obliterated, or wilfully destroyed, and any necessary correction may be made only by the operator originating the entry, who shall strike out the erroneous portion and initial the correction made. Rough logs may be transcribed into smooth logs (condensed form), but in such case the original log or memoranda thereof shall be preserved, and made a part of the complete log.

### 23. Operators and Watches.<sup>16</sup>

(a) Each cargo ship required by these Rules to be fitted with a radio installation and which is not fitted with an auto-alarm, and each passenger ship required by these Rules to be fitted with a radio installation, shall, for safety purposes, carry at least two qualified operators.

(b) A cargo ship required by these Rules to be fitted with a radio installation, which is fitted with an auto-alarm in accordance with these Rules, shall, for safety purposes, carry at least one qualified<sup>17</sup> operator. In the case of a United States cargo vessel, this operator shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

<sup>15</sup> See also paragraph No. 17 (h), (j), and (k).

<sup>16</sup> Nothing contained in Public No. 97 or in these rules specifies what shall be the hours of labor for any radio operator. Nothing in Public No. 97 or in these rules is to be construed as affecting or limiting in any way the jurisdiction or powers of the Department of Commerce in that regard under any other laws or under the Rules or Regulations of that Department.

<sup>17</sup> For vessels of the United States, operator's qualifications are specified by Commission Rules 420 to 448, inclusive.

(c) Each ship of the United States required by these Rules to be fitted with a radio installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: provided, however, that in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a qualified operator, upon the express condition that the auto-alarm shall be in operation whenever the operator is not on watch and the ship is being navigated outside of a harbor or port, including periods when the direction finder is in use.

(e) In the event of the failure of the auto-alarm and satisfactory repairs cannot be made on board at sea, the master shall endeavor to have it repaired at the first port of call where repair facilities are obtainable. The ship must not again proceed to sea until the auto-alarm is satisfactorily repaired or unless the appropriate number of operators are on board to carry on the hours of watch required of the vessel when not fitted with an auto-alarm.

(f) The operator, or operators, employed for such an emergency may hold a certificate as an operator issued by another country.<sup>18</sup> However, in such case, the operator or operators must be replaced as soon as possible by an operator holding a certificate of the proper class, as prescribed and issued by the Commission, pending restoration of the auto-alarm to service.

### 24. Forfeitures.—

(a) Any ship that leaves or attempts to leave any harbor or port of the United States in violation of the provisions of Title III, Part II of the Communications Act of 1934, as amended, or in violation of any rules of the Commission promulgated thereunder or any ship of the United States that is navigated outside of any harbor or port in violation of any of the provisions thereof, shall forfeit to the United States the sum of \$500, recoverable by way of suit or libel subject, however, to remission or mitigation by the Commission. Each such departure or attempted departure, and in the case of a ship of the United States, each day during which such navigation occurs, shall constitute a separate offense.

(b) Every wilful failure on the part of the master of a ship of the United States to enforce or to comply with the provisions of Title III, Part II of the Communications Act of 1934, as amended, or in violation of any rules of the Commission promulgated thereunder, as to equipment, operators, watches, or radio service shall cause him to forfeit to the United States the sum of \$100 subject, however, to remission or mitigation by the Commission.

(c) In addition to the forfeitures specified by the preceding paragraphs (a) and (b), the penalties and forfeitures provided by Title V of the Communications Act of 1934, as amended, are also applicable to violations of the provisions of Title III, Part II of that Act.

## APPENDIX I

### PART I

#### *Extracts from the rules and regulations of the Federal Communications Commission*

### SHIP SERVICE

Revised May 21, 1937.

NOTE.—These extracts are taken from the ship station chapter of the general rules of the Commission which apply to all licensed

<sup>18</sup> Art. 10, par. 1 (2) of the General Radio Regulations Annexed to the International Telecommunication Convention of Madrid, 1932, reads as follows:

"(2) In case of absolute unavailability of the operator in the course of a crossing, flight, or voyage, the Master or the person responsible for the mobile station may authorize, but only temporarily, an operator holding a certificate issued by another contracting government to carry on the radio service. When it becomes necessary to employ, as temporary operator, a person not holding an adequate certificate, this service must be limited to emergencies. In any case, the operator or the above-mentioned person must be replaced as soon as possible by an operator holding the certificate prescribed in par. 1 (1) above."



ship stations of the United States and to such foreign ship stations as are specified therein.

281. The Ship Acts of July 23, 1912, and June 24, 1910, are reprinted for convenient reference:<sup>1</sup>

An act approved July 23, 1912, amending section 1 of an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers", approved June 24, 1910.<sup>2</sup>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That from and after October first, nineteen hundred and twelve, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred miles, day or night. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least one hundred miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provision of this paragraph as to equipment, operators, and watches, shall subject him to a penalty of one hundred dollars.

That the provisions of this section shall not apply to steamers plying between ports, or places, less than two hundred miles apart.

SECTION 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April first, nineteen hundred and thirteen, and so far as it relates to ocean cargo steamers shall take effect on and after July first, nineteen hundred and thirteen: *Provided*, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.

The remaining sections of the act of June 24, 1910, which are unchanged, read as follows:

SECTION 2. That for the purpose of this act apparatus for radio communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio communication.

SECTION 3. That the master or other person being in charge of any such vessel which leaves or attempts to leave any port of the United States in violation of any of the provisions of this act shall, upon conviction, be fined in a sum not more than five thousand dollars, and any such fine shall be a lien upon such vessel, and such vessels may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense.

SECTION 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure the proper execution of this act by collectors of customs and other officers of the Government.

282. The term "ship service" means a radiocommunication service carried on between ship stations and coastal

<sup>1</sup> Such part or parts of the Act entitled "An Act to require apparatus and operators for radio communication on certain ocean steamers" approved June 24, 1910, as amended, (generally known as the "Ship Act") as relate to the ocean and to steamers navigating thereon, were repealed by section 602 (e) of the Communications Act of 1934 as amended by Public 97 approved May 20, 1937. In all other respects said Act is continued in full force and effect. See also Rule 284 (d) herein.

<sup>2</sup> The amended Act applies to vessels licensed to carry as well as those actually carrying 50 or more persons, etc.

stations or between ship stations and other maritime mobile stations.

Upon application being made, the Commission may grant authority for a radio station operated on board a pleasure vessel or a yacht, or on board a vessel or other mobile unit, undertaking scientific expedition, to transmit on ship frequencies above 3000 kilocycles designated in the license of such ship station, for the secondary purpose of communicating directly with licensed amateur stations, on condition that such transmission shall not interfere with the primary use of these frequencies for regular commercial maritime communication, and provided the applicant makes a satisfactory showing that:

a. The messages to be exchanged with amateur stations will contain no material savoring of a commercial transaction.

b. Unusual circumstances will obtain during the contemplated voyage(s) making it extremely beneficial to the applicant to communicate direct with amateur stations, rather than indirectly through other maritime mobile stations or directly through authorized or coastal stations connecting landwire systems.

283. The term "ship station" means a station on board a vessel not permanently moored.

284. Ship stations shall be classified as follows:

a. *First Class*.—Stations whose duration of service is continuous while the vessel is being navigated.

b. *Second Class*.—Stations carrying on a designated service of limited duration.

c. *Third Class*.—Stations of which the duration of service is less than that specified for the stations in the second class and stations whose duration of service is undetermined.

d. The licensee of a ship radio station on board a vessel of the United States licensed to carry, or carrying, fifty or more persons, including passengers or crew, or both, shall maintain continuous hours of service in accordance with the rules governing first class ship radio stations at all times while the vessel is being navigated on the Great Lakes between ports or places more than two hundred miles apart, provided, however, that vessels which are also licensed to carry less than 50 persons and/or ply less than 200 miles between ports or places may be granted radio station licenses specifying more than one class.

e. Provided the transmitting equipment to be used in lifeboats is described in the application for license and in the license for the ship to which the lifeboat(s) is attached, such equipment may be operated for maintenance tests and emergency communication under the regular license of the ship stations without a separate license posted in the lifeboat(s). The call signals to be used by a lifeboat operating under this rule shall be the regularly assigned call of the ship station to which the lifeboat is attached, to be followed by the international break sign, BT, and the number of the lifeboat.

f. Provided the transmitting equipment to be used on a cable marker—buoy is described in the application for license and in the license for the ship with which the buoy is associated, such equipment may be operated on the frequency 278 kilocycles for direction finding purposes, under the regular license of the ship station, with A-1 or A-2 emission and a maximum power of 10 watts. The call signals to be used for a transmitter operating under this rule shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the international break sign, BT, and the identifying number of the buoy. The transmitter shall be continuously monitored by a regularly licensed operator aboard the associated cable repair ship. Should a frequency deviation in excess of 0.5 per cent or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the deviation is corrected or until the transmitter can be operated without causing interference.



285. The following frequencies are allocated for the following types of ship service; in assigning any frequency designated under (b) and (c) below, the use of that frequency may be restricted to communication with a specified coastal telephone or coastal harbor station:

a. For telegraph communication primarily with coastal telegraph stations:

143	4,140 Calling	11,025
152	4,145	11,040 Calling
153	4,150	11,055
154	4,160	11,070
155	4,165	11,085
156	5,510	12,360
157	5,515	12,375
158	5,520 Calling	12,390
160	5,525	12,420 Calling
355	5,530	12,435
375 (See Rule 290)	6,170	12,450
394	6,180	16,460
400	6,190	16,480
410	6,200	16,500
	6,210 Calling	16,520
	6,220	16,560 Calling
425	6,230	16,580
454	8,240	16,660
468	8,250	16,680
500	8,260	22,025
	8,280 Calling	22,050
3,105	8,290	22,080 Calling
3,115	8,300	22,100
	8,320	22,125
	8,830	22,150

<sup>1</sup> Available for non-government stations for assignment to United States Shipping Board vessels for communication with government stations.

b. For telephone communications primarily with coastal telephone stations:

4,400	6,650	13,215	17,680
4,402.5	6,660	13,230	22,925
4,405	6,670	13,245	22,950
4,410	8,810	13,260	22,975
4,412.5	8,820	13,275	23,000
4,415	8,830	17,600	
4,420	8,840	17,620	
4,422.5	8,850	17,640	
4,425	13,200	17,660	
4,455			
4,460	4,457.5		

c. For telephone or telegraph communication primarily with coastal harbor stations:

2,108	2,132	2,164	2,196	2,198
2,112	2,136	2,168	2,200	
2,116	2,140	2,172	2,204	
2,118	2,142	2,174	2,206	
2,120	2,144	2,176	2,208	
2,124	2,156	2,180		
2,126	2,158	2,182		
2,128	2,160	2,184		

d. For telephone or telegraph communication primarily between ship harbor stations:

2,736	2,738
2,740	

286. The international calling and distress frequency is 500 kilocycles. In the Great Lakes region the frequency 410 kilocycles shall be used for calling and distress purposes in lieu of the international calling and distress frequency 500 kilocycles.

287. The international calling and distress frequency 500 kilocycles (410 kilocycles on the Great Lakes only) and all other radiotelegraph calling frequencies herein allocated may be used for the transmission of operating signals and a single short radiotelegram, provided no interference is caused to distress, urgent, safety, or call signals.

288. In no case shall the calling frequency 500 kilocycles (410 kilocycles on the Great Lakes) be used for working purposes except as provided in Rule 287 and as may be necessary for the handling of distress, urgent, or safety messages. Other calling frequencies may be used for working purposes, provided no interference is caused to calls from mobile stations.

289. Frequencies designated in a ship station license as "working" may be used for all purposes for which calling frequencies are authorized and in addition may be used for the handling of regular message traffic.

No. 100—3

289a. The operation of radio stations on frequencies below 28000 kilocycles on board any vessel in the territorial waters and inland waters of the United States shall be in accordance with the following limitations:

(1) The frequencies used shall be those allocated for use by mobile stations by the existing International Regulations.

(2) The use of radio equipment shall not interfere with the normal communication of other radio services.

(3) Only messages originating on ships with passengers or members of the crew may be transmitted; i. e., no message shall be handled unless it is one that would be normally routed in the mobile service.

(4) Except for the handling of emergency communications, damped wave transmitting apparatus shall not be used on board a ship alongside the dock or at anchor in a harbor of the United States.

289b. Except for the handling of emergency communications relating to the safe navigation of the vessel, and the handling of messages relating to ships in distress, the privileges granted by Rule 289a are extended only to those foreign ships which belong to countries granting similar privileges to American ships in their territorial and inland waters.

289c. The use of radio by foreign men-of-war in United States ports and territorial waters may be authorized on frequencies allocated to the mobile service by the International Regulations in force, upon condition that no interference will result to the service carried on by other stations. Normally, requests from foreign men-of-war to use their radio equipment for communications while in United States ports and territorial waters shall be made to one of the Naval District Commandants, or, after arrival in port, to the Senior U. S. Naval Officer present. The headquarters of District Commandants concerned are located at Boston, New York, Philadelphia, Norfolk, Charleston, (South Carolina) San Diego, San Francisco, Seattle, Pearl Harbor, T. H., Balboa, Canal Zone, and Cavite, P. I. In addition to having senior naval officers stationed at these places, the Navy has officers performing various duties at practically all other important United States ports. When a Naval officer is not present, requests shall be made to the port authorities, or to the Navy Department, Washington, D. C. The authority to grant such requests is lodged in the official who is authorized to receive the request.

290. The frequency 375 kilocycles shall be used only for communication relative to obtaining or furnishing position reports by means of radio direction-finding stations.

291. In addition to the frequencies designated in the license of a ship station, such station may transmit:

a. On any frequency between 110 and 194 kilocycles when directed to do so by a coast station operating in this band, provided no interference results to the service of any other coast station. The operating frequency of the ship station shall be designated by the coast station.

b. On a frequency above 385 kilocycles used by a coast station when directed to do so by the coast station to which the frequency is assigned.

292. Except in case of signals or messages relating to vessels in distress, all ship stations shall use the minimum amount of energy necessary to carry out any communication desired.

293. Except under the following condition no license will be issued for the operation of any radio station using, or proposing to use, transmitting apparatus employing damped-wave emission. If such apparatus was installed on board a ship prior to January 1, 1930, license will be issued for the operation of damped-wave transmitters on the following frequencies only:

375 kilocycles	454 kilocycles
410 kilocycles	500 kilocycles
425 kilocycles	

294. The logarithmic decrement per complete oscillation in the wave trains emitted by the transmitter of a ship sta-



tion using damped-waves shall not exceed two-tenths, except when sending distress signals or signals and messages relating thereto.

295.<sup>3</sup> The licensee of each ship station shall maintain an accurate log of the operation of such station on the international calling and distress frequency, 500 kilocycles (410 kilocycles on the Great Lakes), as follows:

a. At stations where continuous watch is maintained an entry shall be made at least every 15 minutes. At stations having limited hours of operation similar entry shall be made during the time the station is active. All calls or answers made shall be entered, giving time and call letters of station worked. Stations may be designated by their call letters in all log entries.

b. Entry shall be made of any unlawful interference from other stations.

c. Distress calls and any unusual and special incidents shall be duly entered.

d. Notations shall be made of any breakdowns of apparatus, failure of power supply, noises or disturbances tending to delay traffic.

e. When a change in the watch is made, the operator relieved shall sign his name with the indication "off watch", and the relieving operator shall sign his name showing that he is "on watch."

f. Each sheet of the log shall be numbered and dated. The time used for making an entry in the radio log shall be expressed in conformity with European practice in four figures, starting at midnight of the time at the Meridian of Greenwich, that is, 12:01 A. M. is to be shown as "0001"; 1:00 A. M. as "0100"; 1:00 P. M. as "1300"; 6:30 P. M. as "1830"; 12:00 midnight as "2400"; etc. (This method of expression is equivalent to that denominated in this country as "Greenwich Civil Time.") The abbreviation "G. M. T." shall be stated at the heading of the column in which the time is entered.

g. Time of arrival at and departure from ports, giving names of each.

h. Approximate position of vessel showing miles and direction from some given point each day. Latitude and longitude may be used (noon position is preferred).

i. These logs shall be made available upon request by authorized Government representatives. These logs shall be filed either aboard the ship on which the station is located or at established offices of the licensee where they shall be made available upon request by authorized Government representatives.

296. A marine transmitter operated by its individual storage battery of at least 4 hours continuous capacity will meet the requirements of the Ship Act (Rule 281) as a proper auxiliary power supply when this transmitter is licensed for emergency service, or for both routine and emergency service under the following conditions:

a. Where such transmitter is used only for emergency service it shall be operated by a storage battery having at least 4 hours continuous capacity or other auxiliary power supply, independent of the vessel's main electric power plant, capable of continuously operating this set for at least 4 hours.

b. Where such transmitter is used for both routine and emergency service, in addition to the power supply specified in Section I, an entirely separate source of power shall be provided for the routine service. This separate power supply may consist of an additional battery or other source of power.

The term "emergency service" as used herein means the transmission of distress, alarm, urgent or safety signals, or messages relating thereto, or any matter relating to the

<sup>3</sup> Stations on board ships subject to the provisions of the Ship Radiotelegraph Safety Rules shall be governed by paragraph 22 thereof.

safety of life or property, or any transmission for determining that the apparatus is in good working condition.

The term "routine service" as used herein means all other transmissions authorized for ship stations.

c. A reliable clock with a seconds hand, preferably sweep seconds hand, shall be provided in the radio room.

## APPENDIX I

### PART 2

*Extracts from the General Rules and Regulations of the Commission which Relate to the Operation of Ship Stations*

189. The term "mobile station" means a station that is capable of being moved and ordinarily does move.

191. The term "land station" means a station not capable of being moved, carrying on a mobile service.

193. The term "mobile service" means a radiocommunication service carried on between mobile and land stations and by mobile stations, communicating among themselves, special services being excluded.

195. The term "special service" means a radiocommunication service carried on especially for the needs of a specific service of general interest and not open to public correspondence, such as a service of radiobeacons, radio direction finding, time signals, regular meteorological bulletins, notices to navigators, press messages addressed to all, medical notices (medical consultation by radio), standard frequencies, emissions for scientific purposes, etc.

196. The term "international service" means a radiocommunication service between offices or stations under the jurisdiction of different countries, or between stations of the mobile service, except when the latter are of the same nationality and are within the limits of the country to which they belong. An internal or national radiocommunication service which is likely to cause interference with other services beyond the limits of the country in which it operates, shall be considered as an international service from the standpoint of interference.

198. The term "public service" means a service for the use of the public in general.

199. The term "public correspondence" means any radio communication where the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

200. The term "private service" means a radiocommunication service which is not open to public correspondence and which may be used only by specified persons for either general or specific purposes.

201. The term "private enterprise" means any person, company, or corporation which operates one or more stations for radio communication.

202. The term "limited service" means a service which can be used only by specified persons or for special purposes.

203. The term "radio operating signals" means a letter, figure, or combination of letters and figures, or both, designed to facilitate the conduct of communications; for example, the list of abbreviations to be used in Radio Transmission, appendix I to the General Regulations annexed to the International Radiotelegraph Convention.

204. Allocations of bands of frequencies to services, such as mobile, fixed, broadcast, amateur, etc., are set forth in article 5 of the General Regulations annexed to the International Radiotelegraph Convention and in the North American Radio Agreement. These allocations will be adhered to in all assignments to stations capable of causing international interference.

205. The national standard of radio-frequency maintained by the Bureau of Standards, Department of Commerce, shall be the basis for all frequency measurements and assignments will be made on the basis of this standard.



206. The licensee of each station, except amateur, shall provide for measurement of the station frequency and establish procedure for checking it regularly. These measurements of station frequency shall be made by means independent of the frequency control of the transmitter and shall be of such an accuracy that the limit of error is within the frequency tolerance allowed the station.

207. Licensees shall use radio transmitters, the emissions of which do not cause interference, outside the authorized band, that is detrimental to traffic and programs of other authorized stations.

210. Radio communications or signals relating to ships or aircraft in distress shall be given absolute priority. Upon notice from any station, Government or commercial, all other transmission shall cease on such frequencies and for such time as may, in any way, interfere with the reception of distress signals or related traffic.

211. No station shall resume operation until the need for distress traffic no longer exists, or it is determined that said station will not interfere with distress traffic as it is then being routed and said station shall again discontinue if the routing of distress traffic is so changed that said station will interfere. The status of distress traffic may be ascertained by communication with Government and commercial stations.

214. Only an operator holding a radiotelegraph class of operator's license may manipulate the transmitting key of a manually operated coastal telegraph or mobile telegraph station in the international service; and only a licensed amateur operator may manipulate the transmitting key at a manually operated amateur station. The licensees of other stations operated under the constant supervision of duly licensed operators may permit any person or persons, whether licensed or not, to transmit by voice or otherwise, in accordance with the types of emission specified by the respective licenses.

220. Licensees of stations other than broadcast stations are authorized to carry on such routine tests as may be required for the proper maintenance of the stations, provided, however, that these tests shall be so conducted as not to cause interference with the service of other stations.

221. The original of each station license, except amateur, portable, and portable-mobile stations, shall be posted by the licensee in a conspicuous place in the room in which the transmitter is located. In the case of amateur, portable, and portable-mobile stations, the original license, or a photostat copy thereof, shall be similarly posted or kept in the personal possession of the operator on duty.

a. The original license of each station operator, except amateur and aircraft radio station operators, and operators of portable and portable-mobile stations, shall be posted in a conspicuous place in the room occupied by such operator while on duty. In the case of an amateur or aircraft radio operator, and operators of portable or portable-mobile stations, the original operator's license shall be similarly posted or kept in his personal possession and available for inspection at all times while the operator is on duty.

b. When an operator's license cannot be posted because it has been mailed to an office of the Federal Radio Commission for endorsement or other change, such operator may continue to operate stations in accordance with the

<sup>1</sup> Paragraph 5 (3), Article 9 of the General Radio Regulations annexed to the International Telecommunication Convention of Madrid, 1932, provides that all ship stations transmitting on frequencies in the band 100 to 160 kilocycles and on frequencies above 4000 kilocycles must be equipped with a wavemeter (frequency meter) or equivalent device. However, in the case of ship stations which are equipped with a properly stabilized and calibrated master-oscillator, the Commission will recognize a master-oscillator of this type as coming within the meaning of "equivalent device", provided the calibration of the said transmitter and of the circuit as a whole is such as to permit the convenient adjustment of the transmitter to its licensed frequencies within the tolerance for mobile stations specified by Rule 227.

class of license held, for a period not to exceed 60 days, but in no case beyond the date of expiration of the license.

224. a. Except for an amateur station, each radio station license or other instrument of authorization shall designate the type of emission which the station is authorized to employ, shall specify the center frequency of the frequency band of emission of such width as is authorized for the type of emission, and shall specify the frequency tolerance in accordance with which the assigned frequency shall be maintained.

b. The term "frequency band of emission" means that the frequency band of an emission is the frequency band actually occupied by the emission for the type of emission and for the signaling speed used.

c. The term "frequency tolerance" means the maximum permissible separation between the frequency assigned to a station and the actual frequency of emission.

227.<sup>1</sup> The licensee of each station, except amateur, shall maintain the assigned frequency within the tolerance as set out in the following table:

Tolerance Table

Frequency Range (kilocycles)	Frequency Tolerance	
	A	B
	Applicable to stations licensed or authorized by construction permits prior to September 3, 1931	Applicable to all equipment authorized subsequent to September 3, 1931
A. 10 to 550 kilocycles:		
(c) Mobile stations except those using damped waves or simple oscillator transmitters.....	.5	.5
(d) Mobile stations using damped waves or simple oscillator transmitters.....	1.0	.5
C. 1,500 to 6,000 kilocycles:		
(c) Mobile stations using frequencies not normally used for ship radiotelegraph transmissions.....	.05	.04
(d) Other mobile stations.....	.1	.1
D. 6,000 to 23,000 kilocycles:		
(c) Mobile stations using frequencies not normally used for ship radiotelegraph transmissions.....	.05	.04
(d) Other mobile stations.....	.1	.1

<sup>1</sup> This tolerance is applicable to previously licensed simple oscillator transmitters transferred to other mobile stations.

## APPENDIX II

The following were parties to the International Convention for the Safety of Life at Sea, London, 1929, on May 15, 1937:

Argentina	Hungary	New Zealand
Australia	Iceland	Norway
Belgium	India	Panama
Brazil	Irish Free State	Poland
Bulgaria	Italy	Portugal
Canada	Italian Colonies of	Rumania
China	Libya, Eritrea and	Spain
Chosen	Somalland and	Sweden
Danzig	Italian Islands in	Union of Soviet So-
Denmark	the Aegean	cialist Republics
Egypt	Japan	United Kingdom of
Estonia	Taiwan and Leased	Great Britain
Finland	Territory of	(England, Scot-
France	Kwantung	land, Wales, and
Germany	The Netherlands	Northern Ireland)
Hong Kong and the	Netherlands East In-	United States
Straits Settlements	dies	

Any colony, overseas territory, protectorate, or territory under suzerainty or mandate of any country is not a party to the Safety Convention unless it is specifically included in the above list.

<sup>2</sup> Only that part of Rule 227 which is applicable to mobile stations is quoted.



## APPENDIX III

FEDERAL COMMUNICATIONS COMMISSION RADIO INSPECTION  
DISTRICTS

Radio District	Address of the Inspector in Charge	Ports
1	Customhouse, Boston, Mass.	All New England.
2	Federal Building, New York, N. Y.	New York, Yonkers, Newark and vicinity.
3	New United States Customhouse, Philadelphia, Pa.	Philadelphia, Camden, Chester, Marcus Hook, and Wilmington, Del.
4	Fort McHenry, Baltimore, Md.	Baltimore, and Alexandria, Va.
5	New Post Office Building, Norfolk, Va.	Norfolk, Newport News, Richmond, and Hopewell, Va.
6	New Post Office Building, Atlanta, Ga.	Savannah, Ga., and Charleston, S. C.
7	Room 12, Federal Building, Miami, Fla.	Jacksonville, Miami, Key West, Tampa and Pensacola, Fla.
8	Customhouse, New Orleans, La.	New Orleans, Gulfport, Mobile, Baton Rouge, and vicinity.
9	Prudential Building, Galveston, Tex.	Galveston, Brownsville, Houston, Port Arthur, Beaumont, and Corpus Christi, Tex.
11	Rives-Strong Building, Los Angeles, Calif.	San Pedro and San Diego, Calif.
12	Customhouse, San Francisco, Calif.	San Francisco and Oakland, Calif.
13	New United States Courthouse, Portland, Oreg.	Portland, Astoria and Coos Bay.
14	Federal Office Building, Seattle, Wash.	Seattle, Bremerton, Olympia, Tacoma, Bellingham, Port Angeles, and Grays Harbor.
21	Aloha Tower, Honolulu, Territory of Hawaii.	Hawaiian Islands.

[F. R. Doc. 37-1503; Filed, May 22, 1937; 11:30 a. m.]

## INTERNATIONAL FISHERIES COMMISSION.

REGULATIONS OF THE INTERNATIONAL FISHERIES COMMISSION ADOPTED PURSUANT TO THE PACIFIC HALIBUT FISHERY CONVENTION BETWEEN THE DOMINION OF CANADA AND THE UNITED STATES OF AMERICA, SIGNED MAY 9, 1930

1. The convention waters shall be divided into the following areas, all directions given being magnetic.

(a) Area 1 shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay light on Cape Shoalwater, as shown on Chart 6185 published in May, 1926, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46°43'07" N., longitude 124°04'18" W.

(b) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304 published in September, 1923, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'48" N., longitude 136°38'24" W., thence south one-quarter east.

(c) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running south from the southwestern extremity of Cape Sagak on Umnak Island, at a point approximately latitude 52°41'25" N., longitude 168°58'05" W., and that are south of the Alaska Peninsula and of the Aleutian Islands including the intervening straits or passes.

(d) Area 4 shall include all convention waters not included in Areas 1, 2, and 3.

2. The catch of halibut to be taken during the fishing season of 1937 from Area 2 shall be limited to approximately 21,700,000 pounds of salable halibut, and from Area 3 to approximately 24,300,000 pounds of salable halibut, or, if the International Fisheries Commission shall at any time so decide, the catch shall not be limited separately in Areas 2 and 3, but shall be limited to 46,000,000 pounds of salable halibut from the combined Areas 2 and 3, the weights in each or any such limit to be computed as with heads off and entrails removed. The International Fisheries Com-

mission shall as early in the said year as is practicable determine and announce to the respective Governments the date on which it deems each such limit of catch will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and the area or areas to which such limit applies shall at that date be closed to all halibut fishing for the duration of the close season as defined and modified in Section 5 of these regulations provided that if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date it may substitute another date, provided also that the International Fisheries Commission may fix any date subsequent to November 1 as the commencement of the close season regardless of the catch which it deems will be attained by such date, and provided further that nothing in this regulation shall prohibit the fishing for other species of fish and fishing by the International Fisheries Commission as provided for in Article 1 of the Treaty.

3. (a) All vessels of five tons net or over which shall fish halibut with set lines or bottom nets or trawls and all vessels which shall fish for halibut in any manner and which shall transport the same from one area as defined by these regulations to another such area for landing or for sale, must be licensed by the International Fisheries Commission prior to such fishing operations. This license shall be issued without fee by the customs officers of either Government or by the International Fisheries Commission representatives, and each such vessel shall at all times carry this license, which license shall at all times be subject to inspection by authorized officers of either Government or by representatives of the International Fisheries Commission.

(b) The license shall not be valid unless validated before departure is allowed from the port of last clearance prior to each fishing operation for which statistical returns are required, and such validation shall be void within 45 days thereafter unless renewed within that period. The area or areas as defined in Section 1 in which fishing operations are to be carried on during the next succeeding voyage must be entered on the face of the license prior to said validation. This validation shall be by customs officers or International Fisheries Commission representatives and shall not be made unless the provisions of Section 3 (c) and 3 (d) of these regulations have been complied with for all landings and all fishing operations since issue of the license provided that if the master or operator of any vessel shall fail to comply with the provisions of Section 3 (c) and 3 (d) the license of such vessel may be validated by authorized representatives of the International Fisheries Commission upon evidence either that there has been a judicial determination of the offense or that the said master or operator is no longer responsible for, nor sharing in, the operations of the vessel licensed. A new license may be issued by the officer accepting statistical return at any time to vessels which shall have furnished proof of loss of the license form previously issued, or when there shall be no further space for record of validation thereon, providing the receipt of statistical return shall be shown on the new form for any halibut taken during or after the voyage upon which loss has occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(c) Statistical return as to the amount of fish of each species taken during fishing operations must be made by the master or operator of any licensed vessel within 48 hours of landing, sale, or transfer of halibut, or of first port of entry thereafter, except that within any area in which the catch is not limited by these regulations the master or operator of licensed vessels shall at all times keep with the license such records as are necessary to make statistical return which shall be made at such times as shall be required by the International Fisheries Commission or by customs officers. The statistical return must state the port of landing, the amount taken within each area defined in Section 1 of these regulations, and the dates of operation in each such area. The total return must include all halibut landed or transferred to other vessels and must be full, true, and cor-



rect in all respects herein required. The master, operator, and/or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the International Fisheries Commission or by any officer receiving such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. A copy of such return must be forwarded by the customs officer to the International Fisheries Commission at such times as the latter shall require.

(d) The master or operator of any vessel licensed under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be open to inspection of authorized representatives of the International Fisheries Commission. The master, operator, and/or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the International Fisheries Commission or by any officer of either Government to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

(e) When required for purposes of the Treaty all persons, firms, or corporations that shall buy halibut from fishing or transporting vessels shall keep and on request furnish to the International Fisheries Commission records of each purchase of halibut, showing date, locality of purchase, name of vessel purchased from, and the amount in pounds according to trade categories. Such persons, firms, or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

4. The following areas having been found to be populated by small immature halibut, are hereby closed to all halibut fishing:

First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated; from the north extremity of Cape Ulitka, Noyes Island approximately latitude 55°33'42" N., longitude 133°43'39" W., to the south extremity of Wood Island, approximately latitude 55°39'38" N., longitude 133°42'32" W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'42" N., longitude 133°47'45" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'41" N., longitude 133°48'04" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°35'00" N., longitude 134°14'45" W.; thence southeast by south twelve and five-eighths miles to a point approximately latitude 55°22'24" N., longitude 134°13'05" W.; thence northeast fourteen miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26'06" N., longitude 133°49'14" W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in April 1925, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

Second, that area lying in the waters off the north coast of Graham Island, British Columbia, within the following boundary: From the northwest extremity of Wiah Point, latitude 54°06'50" N., longitude 132°19'18" W., true north five and one-half miles to a point approximately latitude 54°12'20" N., longitude 132°19'18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time), of the highest point of Tow Hill, Graham Island, latitude 54°04'24" N., longitude 131°48'00" W.; thence southeast to the said highest point of Tow Hill. The

points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

5. Under the authority of Article 1 of the aforesaid Convention the close season as therein defined shall be modified so as to end at 12 midnight of March 15 of 1937 and at 12 midnight of March 31 of each year thereafter and shall begin at 12 midnight of November 30 of each year unless an earlier date is determined upon by the International Fisheries Commission under the provisions of Section 2 of these regulations as that on which it deems the limitation of catch for such area shall be attained provided that the close season in Area 2 or 3 whichever shall be later shall apply to Area 4, and that the close season for Area 2 shall apply to Area 1.

6. The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in Areas 1 and 2.

7. These regulations shall supersede all previous regulations adopted pursuant to the Convention between the Dominion of Canada and the United States of America for preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed May 9, 1930.

GEORGE J. ALEXANDER,  
Chairman.

FRANK T. BELL,  
A. J. WHITMORE,  
EDWARD W. ALLEN,  
Secretary.

Approved:

FRANKLIN D. ROOSEVELT  
MAY 11, 1937.

Regulations adopted March, 1937.

The foregoing regulations were submitted for approval by the President of the United States and the Governor General of Canada pursuant to Article III of the Pacific Halibut Convention between the United States and Canada, signed May 9, 1930, 47 Stat. (pt. 2) 1872. The regulations were approved by the Governor General of Canada on April 23, 1937, and by the President of the United States on May 11, 1937.

[F. R. Doc. 37-1500; Filed, May 21, 1937; 2:28 p. m.]

## INTERSTATE COMMERCE COMMISSION.

### ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of April, A. D. 1937.

The subject of periodical reports of operating statistics from carriers by steam railway of Class I being under consideration:

It is ordered, That the order of this Commission dated November 25, 1935, dealing with railway operating statistics, as amended by order of December 12, 1936,<sup>1</sup> be and hereby is further amended by modifying the report forms as follows:

### FORM OS-A

Footnote to Item 1, relating to miles of road operated at close of month, to read, "State in whole numbers."

Note (G) under Notes of Instruction to read:

In computing the averages for item 15 according to the formula provided, omit from item 3-12 the miles allowed train locomotives for performing switching service at initial and final terminals. State the amounts so omitted in a footnote.

<sup>1</sup> 2 F. R. 259.



## FORM OS-B

Footnote to Item 1, relating to miles of road operated at close of month, to read "State in whole numbers."

## FORM OS-D

Footnotes to Item 1, relating to miles of road operated at close of month, freight service, and to Item 2, relating to miles of road operated at close of month, passenger service, to read, "State in whole numbers."

## FORM OS-E

Reference to Note (E) to appear after Item 10, Number of units of fuel and power equivalent to 1 net ton of coal.

## FORM OS-F

Note (B) under Notes of Instruction to read:

(B) The term "stored locomotives" means locomotives in serviceable condition and available for service at the end of the month for which the report is rendered and which have not been used since the 15th day of that month; it includes locomotives under white lead or otherwise stored. The term "unserviceable locomotives" means locomotives awaiting or undergoing repairs if held more than 24 clock-hours on that account and includes unserviceable stored locomotives.

It is further ordered, That this order shall become effective as of July 1, 1937.

By the Commission, division 4.

[SEAL]

W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-1504; Filed, May 24, 1937; 12:40 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 100]

## ALLOCATION OF FUNDS FOR LOANS

MAY 20, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Kentucky 30 Shelby (partial)-----	\$100,000
Kentucky 33 Davless (partial)-----	100,000
Kentucky 37 Owen-----	130,000
Tennessee 21B Franklin-----	155,000
Virginia 28 Lancaster-----	149,000
Virginia 28G Lancaster-----	35,000
Idaho 10G Nez Perce-----	75,000

JOHN M. CARMODY, *Administrator*.

[F. R. Doc. 37-1501; Filed, May 22, 1937; 10:05 a. m.]

[Administrative Order No. 101]

## AMENDMENTS OF ALLOCATIONS OF FUNDS FOR LOANS

MAY 20, 1937.

I hereby amend Administrative Order No. 4, dated July 28, 1936, by reducing the allotment of \$133,000 on the project Missouri 19 Boone to read \$116,000. It was found unnecessary to use the total funds allotted and the rescission is being made so that the allotment will be in line with the loan contract.

I hereby amend Administrative Order No. 14, dated August 27, 1936, by reducing the allotment of \$430,000 for project North Carolina 23 Caldwell to read \$400,000. This action is being taken so that the allotment will be in line with the loan contract, since it was found unnecessary to use the total funds allotted.

I hereby amend Administrative Order No. 17, dated September 21, 1936, by reducing the allotment of \$400,000 for

project Texas 33 Hill to read \$310,000. This action is being taken because the construction of a generating plant was found unnecessary.

JOHN M. CARMODY, *Administrator*.

[F. R. Doc. 37-1502; Filed, May 22, 1937; 10:05 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of May, A. D. 1937.

[File No. 46-54]

## IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

[File No. 47-11]

## NOTICE OF AND ORDER FOR HEARING

Arkansas-Missouri Power Corporation, a registered holding company, having duly filed with this Commission, pursuant to Section 10 of the Public Utilities Holding Company Act of 1935, two applications, one for approval of the acquisition by applicant of 14,547 shares of common stock, having no par value, being all of the common stock of East Missouri Power Company, a subsidiary of Arkansas-Missouri Power Company, and the other for approval of acquisition by applicant of all the assets and business of Arkansas-Missouri Power Company, both acquisitions to be made pursuant to a Plan of Reorganization approved and confirmed by the District Court of the United States for the Northern District of Illinois, Eastern Division, in proceedings for the reorganization of Arkansas-Missouri Power Company under Section 77-B of the Bankruptcy Act, as amended; said Arkansas-Missouri Power Corporation having heretofore filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and disposition of certain securities pursuant to such Plan of Reorganization; and it appearing to the Commission that the aforesaid applications and declaration are related matters and should be heard concurrently;

It is ordered that a hearing on such matters be held on June 2, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1509; Filed, May 24, 1937; 1:14 p. m.]



*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-HARRELL-FRANCIS COMMUNITY LEASE, FILED ON MAY 14, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A))  
AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that much of the information contained in Division II, Item 13, is not applicable to that portion of the field in which the tract involved is located and might, therefore, be misleading;

(2) In that the total production of oil from the tract, as set forth in Division II, Item 15, is not believed to be correct by reason of the fact that it does not agree with the gross production of oil, by months, as given in Division II, Item 16 (a);

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of June, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1510; Filed, May 24, 1937; 1:14 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-HARJOGE FARM, FILED ON MAY 15, 1937, BY HUTCHINSON & CO., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A))  
AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the

offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the statement made relative to the amount of water produced from the tract involved for that period, as set forth in the offering sheet in Division II, Item 16 (a) (iii), does not disclose in the proper manner the information required to be given, nor is the statement as contained in the offering sheet believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 20th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths, and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of June, 1937, at 4:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1508; Filed, May 24, 1937; 1:16 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-MARIPOSA FARM, FILED ON MAY 14, 1937, BY JAMES M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))  
AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and



It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of June, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1511; Filed, May 24, 1937; 1:15 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST  
IN THE PHILLIPS-GLEN ELLYN FARM, FILED ON MAY 15, 1937,  
BY JAMES M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))  
AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the

offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct:

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of June, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1507; Filed, May 24, 1937; 1:15 p. m.]